



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 19]

शिमला, शनिवार, 4 दिसम्बर, 1971/13 अग्रहायण, 1893

[संख्या 47

विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1190-1192
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1193
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिनूचित आदेश इत्यादि	—
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग	1193-1194
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1194 तथा 1237-1238
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	1195-1237
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

4 दिसम्बर, 1971/13 अग्रहायण, 1893 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुई:-

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 38-27/69-AH (Sectt.), dated the 1st November, 1971.	Animal Husbandry Department	Appointing the Commission of Inquiry to enquire in to the purchase of land, buildings and trees of Kamla Estate.
No. 2-6/71-E&T. (Sectt.), dated the 1st December, 1971.	Excise and Taxation Department	The Himachal Pradesh General Sales Tax (Amendment) Rules, 1971.

**भाग 1—बंधनिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश
हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि**

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATION

Simla-1, the 8/15th November, 1971

No. HHC-1-8/71-9369/71.—In exercise of the powers vested by section 139(b) of the Code of Civil Procedure (Act V of 1908), the Hon'ble the Chief Justice and Judges of High Court of Himachal Pradesh are pleased to re-appoint Shri D. S. Kunal as Oath Commissioner at Bilaspur for a term of two years w.e.f. 29th August, 1971 to administer oaths and affirmation to deponents of affidavits under the said Code, in accordance with the terms specified in paragraph 5 of Chapter 12-B, Punjab High Court Rules and Order Vol. IV.

By order of the Court,
Sd/-
Registrar.

हिमाचल प्रदेश सरकार

PERSONNEL (A) DEPARTMENT

NOTIFICATIONS

Simla-2, the 19th November, 1971

No. 3-16/63-Appnt.—The Governor, Himachal Pradesh is pleased to appoint Shri Madan Swarup, Tehsildar, Kandaghat to officiate as Sub-Divisional Officer (Civil), Kandaghat from 31st October, 1970 (F.N.) to 21st December, 1970 (F.N.).

2. The Governor is further pleased to order that Shri Madan Swarup shall hold the additional charge of the post of Tehsildar in addition to his own duties as Sub-Divisional Officer (Civil), Kandaghat for the period referred to above.

B. B. TANDON,
Joint Secretary.

Simla-2, the 22nd November, 1971

No. 1-3/71-Appnt.—The Governor, Himachal Pradesh is pleased to order the following postings and transfers with immediate effect in the public interest:—

1. Shri S. R. Mahantani, IAS, Deputy Secretary (Revenue) to the Government of Himachal Pradesh is transferred and posted as Deputy Commissioner (R&S), Talwara, vice Shri Harish Chandra;
2. Shri Harish Chandra, IAS (Himachal Pradesh), Deputy Commissioner (R&S), Talwara, is transferred and posted as Deputy Commissioner, Kulu vice Shri I. K. Suri;
3. Shri I. K. Suri, IAS (Himachal Pradesh), Deputy Commissioner, Kulu is transferred and posted as Deputy Secretary to the Government of Himachal Pradesh, Simla vice Mrs. Anjula Karki; and
4. Mrs. Anjula Karki, IAS (Himachal Pradesh), Deputy Secretary to the Government of Himachal Pradesh is transferred and posted as Commissioner, Departmental Enquiries, Himachal Pradesh (new post).

Simla-2, the 24th November, 1971

No. 1-38/71-Appnt.—On the completion of their training at the National Police Academy, Mount Abu,

the Governor, Himachal Pradesh is pleased to order the postings of the following I.P.S. probationers, from the dates of taking over in the public interest:—

- (i) Shri Ajit Narain, I.P.S., Probationer is posted as Assistant Superintendent of Police, Dharamsala, District Kangra; and
- (ii) Shri Navin Chandra Joshi, I.P.S., Probationer is posted as Assistant Superintendent of Police, Simla.

K. N. CHANNA,
Chief Secretary.

**GENERAL ADMINISTRATION DEPARTMENT
(SECTION D)**

NOTIFICATION

Simla-2, the 19th November, 1971

No. 12-26/70-GAD-II(Pub).—The Governor, Himachal Pradesh in consultation with the Union Public Service Commission, is pleased to accord *ex-post-facto* sanction to the appointment of Shri Parma Nand as District Public Relations Officer on *ad hoc* basis in the scale of Rs. 250-15-340/20-500 (later on revised to Rs. 250-25-550/25-750 with effect from the 1st April, 1965) for the period from the 7th September, 1964 to the 31st October, 1966.

K. N. CHANNA,
Chief Secretary.

**HEALTH AND FAMILY PLANNING DEPARTMENT
NOTIFICATIONS**

Simla-2, the 18th November, 1971

No. 1-78/70-H&FP.—Consequent upon her appointment to G.D.O. Grade-I of Central Health Services, Dr. Miss Manorma Kaushal Medical Officer, Civil Hospital Theog (on leave) joined her duties in Civil Hospital Kandaghat w.e.f. 21st August, 1971 (F.N.).

Simla-2, the 20th November, 1971

No. 1-105/71-H&FP(4).—The Governor, Himachal Pradesh is pleased to appoint Dr. Harish Chander Narang as Civil Assistant Surgeon grade I in the scale of Rs. 350-25-500/30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 23rd August, 1971 (F.N.) or till the post is filled up on regular basis, whichever is earlier.

Simla-2, the 22nd November, 1971

No. 112/71-H&FP(4).—The Governor, Himachal Pradesh is pleased to appoint Dr. Ram Kumar as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500/30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 11th August, 1971 (forenoon) or till the post is filled up on regular basis, whichever is earlier.

Simla-2, the 22nd November, 1971

No. 1-40/68-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. D. N. Mullick as Assistant Professor, Paediatrics Himachal Pradesh Medical College, Simla in the scale of Rs. 600-40-1000-EB-60-1300 plus Rs. 100 p.m. as special pay on *ad hoc* basis for a period of one year from 23rd September, 1971 (F.N.) or till the post is filled up on regular basis, whichever is earlier.

S. L. TALWAR,
Under Secretary.

Simla-2, the 18th November, 1971

No. 1-78/70-H&FP.—Consequent upon her appointment to G.D.O. Grade I of Central Health Services, Dr. Miss Manorma Kaushal, Medical Officer, Civil Hospital Theog (on leave) joined her duties in Civil Hospital Kandaghat w.e.f. 21st August, 1971 (forenoon).

Simla-2, the 19th November, 1971

No. 1-125/71-H&FP(4).—The Governor, Himachal Pradesh is pleased to appoint Dr. Dalip Anant Dev as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30/590-30-830-35-900 on *ad hoc* basis for a period of one year from 11th August, 1971 (forenoon) or till the post is filled up on regular basis, whichever is earlier.

S. L. TALWAR,
Under Secretary.

HOME DEPARTMENT NOTIFICATION

Simla-2, the 16th November, 1971

No. 1-1/62-CCD-II.—In exercise of the powers conferred on him under rule 19 of the Civil Defence Rules, 1968, the Governor, Himachal Pradesh is pleased to authorise the Civil Defence Controller, Mahasu district to conduct the combined Civil Defence and Black Out exercise in Solan Town on 16th November, 1971 from 7.30 P.M. to 8.30 P.M.

By order,
K. N. CHANNA,
Chief Secretary.

INDUSTRIES DEPARTMENT NOTIFICATION

Simla-2, the 22nd November, 1971

No. 2-125/69-SI(MIDC).—In partial modification of this Department's notification No. 2-125/69-SI(MIDC), dated the 14th September, 1971 and in exercise of the powers conferred on him, vide Article 82 of the Articles of Association of Himachal Pradesh Mineral and Industrial Development Corporation Ltd., the Governor of Himachal Pradesh is pleased to appoint Shri S. K. Chauhan, Director of Industries of Himachal Pradesh as a new Director of Himachal Pradesh Mineral and Industrial Development Corporation w.e.f. 14th September, 1971.

By order,
P. K. MATTOO,
Secretary.

PLANNING DEPARTMENT NOTIFICATION

Simla-2, the 16/17th November, 1971

No. 9-10/71-Plan.—In exercise of the powers conferred by Article 309 of the Constitution of India, the Governor, Himachal Pradesh is pleased to delete the provision contained in rule 6.(b) read with serial Nos. 1-3 under head "Technical" of Appendix 'A' of the Recruitment and Promotion Rules for Class III Services of the Directorate of Economics and Statistics as notified vide Finance Department notification No. 8/28/60-Fin. (R&E), dated the 12th July, 1962.

B. C. NEGI,
Secretary.

REVENUE DEPARTMENT NOTIFICATIONS

Simla-2, the 17th November, 1971

No. 6-8/71 (Rev. A) (I).—Consequent upon the death of Shri Parsinda Ram s/o Shri Rihja Ram, Village Tikari, Tehsil Palampur, District Kangra on 10th May, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1965 vide this Government notification No. 6-16/68 (Rev. I) (IV), dated the 11th December, 1968, shall now continue in favour of Shrimati Damodri widow of the said Shri Parsinda Ram with effect from *kharif*, 1969 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71 (Rev. A) (I).—Consequent upon the death of Shri Lakhu Ram s/o Shri Meghu, Village Lahat, Tehsil Palampur, District Kangra on 8th January, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1964 vide Punjab Government notification No. 7857-JN(III)66/15671, dated the 30th June, 1966 shall now continue in favour of Shrimati Sevati widow of the said Shri Lakhu Ram with effect from *rabi*, 1971 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71 (Rev. A) (I).—Consequent upon the death of Shri Basheshar Ram s/o Shri Fifthu, Village Bheth, Tehsil Palampur, District Kangra on 29th September, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *rabi*, 1966 vide Government notification No. 6-16/69 (Rev. I) (IH), dated the 8th October, 1969 shall now continue in favour of Shrimati Parwini widow of the said Shri Basheshar Ram with effect from *kharif*, 1970, subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71 (Rev. A) (I).—Consequent upon the death of Shri Shiv Singh s/o Shri Ram Rath Rana, Village Chichian, Tehsil Palampur, District Kangra on 17th May, 1971, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East

Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1965 vide this Government notification No. 6-354/67-Rev. I (V), dated the 10th October, 1967 shall now continue in favour of Shrimati Kalawati widow of the said Shri Shiv Singh with effect from *rabi*, 1971, subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71 (Rev. A) (I).—Consequent upon the death of Shri Matalbi Ram s/o Shri Budhoo, Village Samletar, Tehsil Palampur, District Kangra on 9th November, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1965 vide Punjab Government notification No. 7501-JN (III) 66/1102, dated the 9th June, 1966, shall now continue in favour of Shrimati Rancho Devi widow of the said Shri Matalbi Ram, with effect from *kharif*, 1970 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71-(Rev. A) (I).—Consequent upon the death of Shri Rikhi Ram s/o Shri Dalpat, Village Ropari, Tehsil Palampur, District Kangra on 7th November, 1970 the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4, of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966 is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1966 vide Government notification No. 6-8/69 (Rev. I) (IV), dated the 19th December, 1969, widow of the said Shri Rikhi Ram with effect from *kharif*, 1966 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71-(Rev. A) (I).—Consequent upon the death of Shri Man Singh s/o Shri Nazra Ram, Village Matial, Tehsil Palampur, District Kangra on 14th October, 1969, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I)

(a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1964 vide Punjab Government notification No. 10000-JN (iii) 65/9713, dated the 30th November, 1965 shall now continue in favour of Shrimati Shibdoo Devi widow of the said Shri Man Singh with effect from *kharif*, 1969 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Simla-2, the 17th November, 1971

No. 6-8/71-(Rev. A) (I).—Consequent upon the death of Shri Achhar Singh s/o Shri Birbal, Village Ladhi, Tehsil Palampur, District Kangra on 30th May, 1970, the Governor, Himachal Pradesh, in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (I) (a) read with proviso to section 4 of the East Punjab Awards Act, 1948 and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the War Jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *kharif*, 1965 vide Punjab Government notification No. 18545-JN (III) 66/20854, dated the 12th October, 1966, shall now continue in favour of Shrimati Premi Devi widow of the said Shri Achhar Singh with effect from *kharif*, 1971 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

Sd/-
Under Secretary.

TOURISM DEPARTMENT NOTIFICATION

Simla-2, the 22nd November, 1971

No. 5-36/71-TD(SECTT).—In exercise of the powers vested in him under section 48(1) of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh is pleased to withdraw from the proceedings for the acquisition of 1474 sq. ft. out of 1664 sq. ft. of land in Khasra No. 314/1, Village Kufri, Tehsil Kasumpti, District Mahasu, notified under section 6 vide notification No. 4-26/66-Rev., dated the 17th April, 1967, for the construction of Stores by the Tourism Department.

The remaining 190 sq. ft. of land has been purchased by the Tourism Department from the owner Shri Mast Ram through private negotiations.

Sd/-
Deputy Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं
इत्यादि

INDUSTRIES DEPARTMENT NOTIFICATIONS

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsalu, the 15th November, 1971

No. Ind. (Loans)(L-II)-12786.—Whereas a notice was served on Shri Dhanna Singh s/o Shri Radha

Singh, Gurdwara Road, Palampur, P.O. & Tehsil Palampur, District Kangra, Himachal Pradesh on 15th January, 1970 under section 23 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Dhanna Singh s/o Shri Radha Singh to pay to me the sum of Rs. 333+55 as interest with further interest thereon at the rate of 8% per annum from 14th December, 1969 till date of deposit or before 31st January, 1970

and where as the said sum has not been deposited in full, I hereby declare that the sum of Rs. 667/- as principal and Rs. 9.50 as interest with further interest thereon at the rate of Rs. 8% P.A. from 29th January, 1970 till date of final payment is due from the said Shri Dhanna Singh s/o Shri Radha Singh and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name, including book debts, stocks, shares, premises and machinery and equipment, whether these assets existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Dharamsala, the 12th November, 1971

No. Ind. (Loans)(L-II)-12774.—Whereas a notice was served on Shri Omprakash s/o Shri Brahma Nand, Village Jandpur, P.O. Bhadiarkhar, Tehsil Palampur, District

Kangra, Himachal Pradesh on 20th January, 1970 under section 23 of the Punjab State Aid to Industries Act, 1935 calling upon the said Shri Omprakash s/o Shri Brahma Nand to pay to me the sum of Rs. 700 as principal and Rs. 108/- as interest with further interest thereon at the rate of 7½% per annum from 23rd March, 1969 till date of deposit the final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 2900+108 with further interest thereon at the rate of 7½% per annum from 23rd March, 1969 till date of final payment is due from the said Shri Omprakash s/o Shri Brahma Nand and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

All assets present and to be hereinafter acquired by the loanee, whether the said assets are present or in future in his name, including book debts, stocks, shares, premises and machinery and equipment, whether these assets existing or to be purchased with the aid of loan or part thereof and any other personal security of the loanee.

V. P. GUPTA,
District Industries Officer,
Kangra at Dharamsala.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिश्नर तथा कमिश्नर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

गुप्त

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

PANCHAYATI RAJ DEPARTMENT NOTIFICATIONS

Simla-4, the 18th November, 1971

No. 6-1/69-Pnt. (Sectt.)—In continuation of this department notification of even number, dated the 18th August, 1971, and in exercise of the powers conferred by section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following amendment in the Himachal Pradesh Gram Panchayat Rules, 1971, issued vide this department notification of even number, dated 30th June, 1971 and the proposed amendment of Rules is hereby published in the Official Gazette for the information of the general public and a notice is hereby given that this draft amendment of Rules will be taken into consideration after seven days from the date of publication in the Official Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make regarding this

draft amendment of Rules, he can send the same to the Director of Panchayati Raj, Himachal Pradesh before the expiry of the said period. The objections or suggestions, if any so received, will be taken into consideration before finalizing this draft amendment.

DRAFT AMENDMENT

Sub-rule (3) of rule 1—

Repeals.—The Panchayat Rules of Himachal Pradesh made under the Himachal Pradesh Panchayati Raj Act, 1952 except Chapters VI, VIII, IX, X and XI and the Punjab Gram Panchayat Rules, 1955 made under the Punjab Gram Panchayat Act, 1952 except rules 18, 19, 20, 21, 22, 23, 24, 25, 18 (1) and (2), 29 and 33 in force in the transferred territory, are hereby repealed. But notwithstanding such repeal, anything done or any action taken in exercise of powers conferred by such repealed rules shall be deemed to have been done or taken under these Rules.

Simla-2, the 18th November, 1971

AMENDMENT

No. 6-1/69-Pnt. (Seectt.).—With reference to Himachal Pradesh Government (Panchayats Department) notification of even number, dated the 18th August, 1971 and in exercise of the powers vested in him under section 60 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970) the Governor, Himachal Pradesh is pleased to make the following amendments in the Himachal Pradesh Gram Panchayat Rules, 1971 issued vide this department notification of even number, dated the 30th June, 1971. This will come into force with immediate effect.

Rule 33

Prescribed authority for the purpose of sub-section (1) of section 15 of the Act.

The District Panchayat Officers of Mahasu, Mandi, Bilaspur, Chamba, Sirmur and Kinnaur in whose jurisdiction the Secretary for a Gram Panchayat or a group of Gram Panchayats is to function, shall be the prescribed authority for the purposes of sub-section (1) of section 15 of the Act pending elections of the Panchayats in these districts and coming of Panchayat Samitis into existence.

Sd/-
Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

FORM LR III

Notice under Rule 4 (1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Rules, 1955

File No. 108/71

Before the Compensation Officer, Mandi district.
In the matter of Sri Fihau (Tenant).

Versus

Sarvshri Dina Nath, Jagdish Chand ss/o Smt. Chandravati, Mst. Gaytri d/o Smt. Savitri w/o Kanwar, Lila Bilas, Yograj, Sunder ss/o Smt. Pushpa d/o Dahlan P I ss/o Smt. Jach a Devi w/o Ganga Ram, Bini Malhev s/o Smita, Palamti, Ran Singh, Hari Singh, Khanna, Durga, Dhanu ss/o Bidhi, r/o Basahar, Tungal, Tehsil Sadar Mandi, Himachal Pradesh

Landowner

To

All persons concerned.

Whereas Sri Fihau (Tenant) has applied under sub-section (1) of section 11 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 for grant of proprietary rights in the land of his tenancy measuring 17-12-0 Bigas (as entered in the Revenue Records) situated in village Batehar, Pargana Tungal, Tehsil Sadar, District Mandi in the ownership of Sri Dina Nath etc. (Landowners).

And whereas a sum of Rs. 451.15 is proposed to be allowed as compensation to be paid by the said Sri Fihau (Tenant) to the said Sri Dina Nath etc. (Landowners) for extinction of the rights, title and interests of the said landowners in the land described above.

Nw, therefore, in pursuance of Rule 4(1) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reform Rules, 1955, it is hereby notified for information of all persons concerned that objections in regard to the assessment of the said amount of Rs. 451.15 as compensation, shall be received by the undersigned by 8-12-71.

Any person having any objection to make in the matter, may do so in writing addressed to the undersigned on or before the date specified above whereafter no objections shall be received.

Given under my hand and seal, this 8th day of November, 1971.

Seal.

Sd/-
Compensation Officer.

कार्यालय जिला दण्डाधिकारी, चम्बा जिला, चम्बा

अधिसूचना

दिनांक चम्बा, 13 सितम्बर, 1971

क्रम पंच-14 (4)/68-3447—चूकितहसील भटियात, जिला चम्बा की 3 न्याय पंचायत तारागढ़, नैनीतड़ व मेल के सरपंचों व नायब-सरपंचों का निर्वाचन प्रादेशाुसार कराया गया है तथा इस की सूचना हिमाचल प्रदेश पंचायत राज नियम 108 के अन्तर्गत निर्वाचन अधिकारी से प्राप्त की चुकी है।

अतः मैं, ए० एन० विद्यार्थी, जिला दण्डाधिकारी, जिला चम्बा, उन अधिकारियों के अन्तर्गत जो मुझे हिमाचल प्रदेश पंचायत नियम 108 में प्राप्त हैं निम्नलिखित न्याय पंचायत के सम्मुख कोर्ट नं० 3 व 4 में उल्लेखित व्यक्तियों के नाम संपंच व नायब-सरपंच हेतु सर्वसाधारण की जानकारी हेतु प्रकटित करता हूँ।

क्र० संख्या	नाम पंचायत	निर्वाचित सरपंच	निर्वाचित नायब-सरपंच
1	2	3	4
1.	तारागढ़-	श्री हमाल सिंह	श्री भीमां (मोर्खा)
2.	नैनीतड़	श्री राम सरन	श्री मनया राम
3.	मेल	श्री हलदू राम	श्री केसरी चन्द

ए० एन० विद्यार्थी,
जिला दण्डाधिकारी, चम्बा।

भाग 6—भारतीय राजपत्र इत्यादि में स पुनः प्रकाशन

**LAW DEPARTMENT
NOTIFICATION**

Simla-4, the 28th December, 1965

No. 8-1/65-LR.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Finance (No. 2) Act, 1965 (15 of 1965).
2. The Banking Laws (Application to Co-operative Societies) Act, 1965 (23 of 1965).
3. The Press Council Act, 1965 (34 of 1965).
4. The Industrial Disputes (Amendment) Act, 1965 (35 of 1965).
5. The Delhi Motor Vehicles Taxation (Amendment) Act, 1965 (36 of 1965).
6. The Companies (Amendment) Act No. 31, 1955
7. The Employees' Provident Funds (Amendment) Act No. 22, 1965.
8. The Life Insurance Corporation (Amendment) Act No. 33, 1965.
9. The Insurance (Amendment) Act No. 32, 1965.

Y. D. SANADHAYA,
Under Secretary (Judicial).

Assented to on 11-9-1965.

THE FINANCE (NO. 2) ACT, 1965

(ACT NO. 15 OF 1965)

**AN
ACT**

further to amend certain laws relating to direct taxes, to provide for voluntary disclosure of income, to increase or modify duties of customs on certain goods imported into India and to increase or modify and to impose duties of excise on certain goods produced or manufactured in India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Finance (No. 2) Act, 1965.

2. Amendment of section 2.—In section 2 of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Income-tax Act), in sub-clause (iv) of clause (14), after the figures "1977" the following shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965, namely:—

"or 7-per cent Gold Bonds, 1980".

3. Amendment of section 10.—In section 10 of the Income-tax Act,—

(a) after clause (10), the following clause shall be, and shall be deemed always to have been inserted, namely:—

"(10A) (i) Any payment in commutation of pension received under the Civil Pensions (Commutation) Rules of the Central Government or under any similar scheme applicable to the members of the Defence Services or to the employees of a State Government, a local authority or a corporation established by a Central, State or Provincial Act;

(ii) any payment in commutation of pension received under any scheme of any other employer, to the extent it does not exceed—

(a) in a case where the employee receives any gratuity, the commuted value of one-third of the pension which he is normally entitled to receive, and

(b) in any other case, the commuted value of one-half of such pension,

such commuted value being determined having regard to the age of the recipient, the state of his health, the rate of interest and officially recognised tables of mortality:

Provided that the maximum limit of payment specified in sub-clause (ii) (a) or sub-clause (ii) (b) shall not apply in respect of any such payment made before the 19th day of August, 1965;"

(b) in sub-clause (ii) of clause (15), for the words "and interest on deposits in Post Office Savings Banks", the following shall be substituted, namely:—

"interest on deposits in Post Office Savings Banks and bonus in respect of deposits under the Post Office Savings Bank (Cumulative Time Deposits) Rules, 1959";

(c) after clause (23), the following clause shall be, and shall be deemed always to have been, inserted, namely:—

"(23A) any income (other than income chargeable under the head "Interest on securities" or "Income from house property" or any income received for rendering any specific services or income by way of interest or dividends derived from its investments) of an association or institution established in India having as its object the control, supervision, regulation or encouragement of the profession of law, medicine, accountancy, engineering or architecture or such other profession as the Central Government may specify in this behalf, from time to time, by notification in the Official Gazette:

Provided that—

(i) the association or institution applies its income, or accumulates it for application, solely to the objects for which it is established; and

(ii) the association or institution is for the time being approved for the purpose of this clause by the Central Government by general or special order;"

(d) after clause (26), the following clause shall be, and shall be deemed always to have been, inserted, namely:—

"(26A) any income accruing or arising to any person (not being an individual who is in the service of Government) from any source in the district of Ladakh or outside India in any previous year relevant to any assessment year commencing before the 1st day of April, 1970, where such person is resident in the said district in that previous year:

Provided that this clause shall not apply in the case of any such person unless he was resident in that district in the previous year relevant to the assessment year commencing on the 1st day of April, 1962.

Explanation.—For the purposes of this clause, a person shall be deemed to be resident in the district of Ladakh if he fulfils the requirements of sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) of

section 6, as the case may be, subject to the modifications that—

- (i) references in those sub-sections to India shall be construed as references to the said district; and
- (ii) in clause (i) of sub-section (3), reference to Indian company shall be construed as reference to a company formed and registered under any law for the time being in force in the State of Jammu and Kashmir and having its registered office in that district in that year; and
- (c) for clause (28), the following clause shall be substituted, namely:—

“(28) any amount adjusted or paid in respect of a tax credit certificate under the provisions of Chapter XXIB and any scheme made thereunder.”

4. *Amendment of section 17.*—In section 17 of the Income-tax Act, in sub-clause (ii) of clause (3), after the word, brackets, and figures “clause (10)”, the word, brackets, figures and letters “clause (10A)”, shall be, and shall be deemed always to have been, inserted.

5. *Amendment of section 33.*—In section 33 of the Income-tax Act, in clause (iii) of sub-section (1),—

- (i) in sub-clause (a), for the figures “1966”, the figures “1965” shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965;
- (ii) for sub-clause (c), the following sub-clause shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965, namely:—

“(c) where the machinery or plant is installed after the 31st day of March, 1965,—

(A) for the purposes of business of construction, manufacture or production of any one or more of the articles or things specified in the list in the Fifth Schedule,—

- (a) thirty-five per cent of the actual cost of the machinery or plant to the assessee, where it is installed before the 1st day of April, 1970, and
- (b) twenty-five per cent of such cost, where it is installed after the 31st day of March, 1970, and

(B) for the purposes of any other business,—

- (a) twenty per cent of the actual cost of the machinery or plant to the assessee, where it is installed before the 1st day of April, 1970, and
- (b) fifteen per cent of such cost, where it is installed after the 31st day of March, 1970.”

6. *Amendment of section 43.*—In section 43 of the Income-tax Act, in clause (b), after sub-clause (b), the following proviso shall be, and shall be deemed always to have been, inserted, namely:—

“Provided that in determining the written down value in respect of buildings, machinery or plant for the purposes of clause (ii) of sub-section (1) of section 32, “depreciation actually allowed” shall not include depreciation allowed under sub-clauses (a), (b) and (c) of clause (vi) of sub-section (2) of section 10 of the Indian Income-tax Act, 1922 (11 of 1922), where such depreciation was not deductible in determining the written down value for the purposes of the said clause (vi).”

7. *Amendment of section 44A.*—In section 44A of the Income-tax Act, in sub-section (1), after the words

“any trade, professional or similar association”, the brackets, words, figures and letter “other than an association or institution referred to in clause (23A) of section 10” shall be, and shall be deemed always to have been inserted.

8. *Amendment of section 84.*—In section 84 of the Income-tax Act, in clause (ii) of sub-section (2), for the words “eighteen years”, the words “twenty-three years” shall be substituted.

9. *Amendment of section 88.*—In section 88 of the Income-tax Act,—

(a) after sub-section (5), the following sub-sections shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1964, namely:—

“(5A) In this section, “charitable purpose” does not include any purpose the whole or substantially the whole of which is of a religious nature.

(5B) Nothing contained in sub-section (5A) shall affect the benefit conferred by sub-section (1) in respect of any sums paid before the 1st day of April, 1964, by way of donations referred to in clause (ii) or clause (iii) of that sub-section.”

(b) in sub-section (6), for the words, brackets and figure “in sub-section (5)”, the words, brackets, figures and letter “in sub-section (5) or sub-section (5A)” shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1964.

10. *Amendment of section 112.*—In section 112 of the Income-tax Act,—

(a) in clause (i), for the words “and of the capital gains”, the words and brackets “and by the amount of the interest on National Savings Certificates (First Issue) and of the capital gains” shall be substituted;

(b) in clause (iii), for the words “by the amount of capital gains”, the words and brackets “by the amount of the interest on National Savings Certificates (First Issue) and of the capital gains” shall be substituted;

(c) for clause (iv), the following clause shall be substituted, namely:—

“(iv) the tax on the interest on National Savings Certificates (First Issue) and on capital gains, if any, computed in accordance with the provisions of clause (b) of section 112A and clause (b) of section 114, respectively.”

11. *Insertion of new section 112A.*—After section 112 of the Income-tax Act, the following section shall be inserted, namely:—

“112A. *Tax on interest on National Savings Certificates (First Issue).*—Where the total income of an assessee, not being a company, includes any interest on National Savings Certificates (First Issue), the tax payable by him on his total income shall be—

(a) the amount of income-tax payable on the total income as reduced by the amount of such inclusion and by the amount of compensation or other payment referred to in clause (ii) of section 28 and of the capital gains, if any, had the total income so reduced been his total income; plus

(b) the amount of income-tax calculated on the amount of such interest included in the total income at the average rate of income-tax

which would have been applicable to the total income if the amount of such interest and the amount of compensation or other payment and of the capital gains aforesaid, if any, had not formed part of it; plus

- (c) income-tax on such compensation or other payment and on such capital gains, if any, computed in accordance with the provisions of clause (iii) of section 112 and of clause (b) of section 114, respectively.

Explanation.—For the purposes of clause (b), the average rate of income-tax shall be calculated as if the total income as reduced in the manner specified in the said clause consisted wholly of earned income as defined in the Finance Act of the relevant year.”

12. Amendment of section 114.—In section 114 of the Income-tax Act,—

- (a) in clause (a), for the words, brackets and figures “if any, referred to in clause (ii) of section 28” the words, brackets and figure; “referred to in clause (ii) of section 28 and of the interest on National Savings Certificates (First Issue), if any,” shall be substituted;
- (b) in sub-clause (i) of clause (b), after the words “the amount of compensation or other payment”, the words and brackets “and of the interest on National Savings Certificates (First Issue)” shall be inserted;
- (c) for clause (c), the following clause shall be substituted, namely:—

“(c) the tax on such compensation or other payment and on the interest on National Savings Certificates (First Issue) aforesaid, if any, computed in accordance with the provisions of clause (iii), of section 112 and of clause (b) of section 112A, respectively.”

13. Amendment of section 193.—In section 193 of the Income-tax Act, for the proviso, the following proviso shall be substituted, namely:—

“Provided that no tax shall be deducted from—

- (i) any interest payable on 4-1/4 per cent National Defence Bonds, 1972, where the bonds are held by an individual, not being a non-resident; or
- (ii) any interest payable on National Savings Certificates (First Issue); or
- (iii) any interest payable on 6-1/2 per cent Gold Bonds, 1977 or 7 per cent Gold Bonds, 1980, where the bonds are held by an individual not being a non-resident, and the holder thereof makes a declaration in writing before the person responsible for paying the interest that the total nominal value of the 6-1/2 per cent Gold Bonds, 1977 or, as the case may be, the 7 per cent Gold Bonds, 1980 held by him (including such bonds, if any, held on his behalf by any other person) did not in either case exceed ten thousand rupees at any time during the period to which the interest relates.”

14. Amendment of section 280M.—In section 280M of the Income-tax Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any depositor has deposited any amount for any assessment year which—

- (a) he is not liable to deposit under the provisions of this Chapter or which is in excess of the amount required to be deposited under the said provisions for that year; or
- (b) is less than the amount required to be deposited

under the said provisions for that year and an additional amount has been recovered to make up the deficiency,

then the entire amount, excess amount or additional amount, as the case may be, may be refunded, adjusted or otherwise dealt with in such manner and have regard to such factors as may be specified in a scheme framed under section 280W.”

15. Amendment of section 280N.—In section 280N of the Income-tax Act, for the words “adjusted or otherwise dealt with in such manner as may be provided”, the following shall be substituted, namely:—

“refunded, adjusted or otherwise dealt with in such manner and having regard to such factors as may be specified”.

16. Amendment of section 280W.—In section 280W of the Income-tax Act, in clause (b) of sub-section (2), for the words “and the manner in which the excess or deficiency of annuity deposit may be adjusted or otherwise dealt with;”, the following shall be substituted, namely:—

“and the manner in which the amount of annuity deposit which is not required to be deposited under the provisions of this Chapter or the excess or deficiency of annuity deposit, as the case may be, may be refunded, adjusted or otherwise dealt with and the factors that may be taken into account in this connection;”.

17. Amendment of section 280ZC.—In section 280ZC of the Income-tax Act,—

- (i) in sub-section (1), the following *Explanations* shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1965, namely:—

‘*Explanation 1.*—For the removal of doubts it is hereby declared that the expression “sale proceeds” in this sub-section does not include freight or insurance attributable to the transport of the goods or merchandise beyond the customs station as defined in the Customs Act, 1962 (52 of 1962).

Explanation 2.—For the purposes of this sub-section, a person who exports any goods or merchandise in respect of which the declaration in pursuance of rule 3 of the Foreign Exchange Regulation Rules, 1952 is required to be in Form E.P., or Form E.P. I in the First Schedule to the said rules, shall not in respect of such goods or merchandise be deemed to have received the sale proceeds in India in accordance with the Foreign Exchange Regulation Act, 1947 (7 of 1947), and the rules made thereunder unless he receives the same in India through an authorised dealer as defined in the said Act.”

- (ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The amount shown on a tax credit certificate granted to any person under this section shall, on the certificate being produced before the Income-tax Officer, be adjusted against any liability of that person under the Indian Income-tax Act, 1922 (11 of 1922), or this Act, existing on the date on which the certificate was produced before the Income-tax Officer, and where the amount of such certificate exceeds such liability, or where there is no such liability, the excess or the whole of such amount, as the case may be, shall, notwithstanding anything contained in

Chapter XIX, be deemed, on the said date, to be refund due to such person under that Chapter and the provisions of this Act shall apply accordingly."

18. Amendment of Fifth Schedule.—In the Fifth Schedule to the Income-tax Act, in item (3), for the words "Iron ore", the words "Coal, lignite, iron ore" shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965.

19. Amendment of Act 34 of 1953.—In section 3 of the Estate Duty Act, 1953, after sub-section (3), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1964, namely:—

"(4) Any reference in sections 9, 11 and 33 to public charitable purpose or purposes in relation to a gift made or disposition or determination of an interest effected or suffered on or after the 1st day of April, 1964 shall be construed as not including a purpose the whole or substantially the whole of which is of a religious nature."

20. Amendment of Act 27 of 1957.—In the Wealth-tax Act, 1957, —

(i) in section 5, in sub-section (1), for clause (xvii), the following clause shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965, namely:—

"(xvii) 6-1/2 per cent Gold Bonds, 1977 and 7 per cent Gold Bonds, 1980;"

(ii) in section 18, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) Notwithstanding anything contained in clause (i) or clause (iii) of sub-section (1), the Commissioner may, in his discretion,—

(i) reduce or waive the amount of minimum penalty imposable on a person under clause (i) of sub-section (1) for failure, without reasonable cause, to furnish the return of net wealth which such person was required to furnish under sub-section (1) of section 14, or

(ii) reduce or waive the amount of minimum penalty imposable on a person under clause (iii) of sub-section (1),

if he is satisfied that such person—

(a) in the case referred to in clause (i) of this sub-section has, prior to the issue of notice to him under sub-section (2) of section 14, voluntarily and in good faith, made full disclosure of his net wealth; and in the case referred to in clause (ii) of this sub-section has, prior to the detection by the Wealth-tax Officer of the concealment of particulars of assets or of the inaccuracy of particulars furnished in respect of the assets or debts in respect of which the penalty is imposable, voluntarily and in good faith, made full and true disclosure of such particulars;

(b) has co-operated in any enquiry relating to the assessment of the wealth represented by such assets; and

(c) has either paid or made satisfactory arrangements for payment of any tax or interest payable in consequence of an order passed under this Act in respect of the relevant assessment year.

(2B) An order under sub-section (2A) shall be final and shall not be called in question before any court of law or any other authority."

(iii) in sections 31 and 34A, for the words "four per cent", wherever they occur, the words "six per cent" shall be, and shall be deemed to have

been, substituted with effect from the 1st day of April, 1965;

(iv) in section 36,—

(a) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3a) A person shall not be proceeded against for an offence under sub-section (2) in relation to the assessment for an assessment year in respect of which the penalty imposable upon him under clause (iii) of sub-section (1) of section 18 has been reduced or waived by an order under sub-section (2A) of that section."

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) Where any proceeding has been taken against any person under sub-section (3), any statement made or account or other document produced by such person before any of the Wealth-tax authorities specified in sections 8, 9, 10, 10A and 11 shall not be inadmissible as evidence for the purpose of such proceedings merely on the ground that such statement was made or such account or other document was produced in the belief that the penalty imposable would be reduced or waived under sub-section (2A) of section 18 or that the offence in respect of which such proceeding was taken would be compounded."

21. Amendment of Act 18 of 1958.—In the Gift-tax Act, 1958,—

(i) in section 5, after sub-section (1), the following sub-section shall be, and shall be deemed to have been, inserted with effect from the 1st day of April, 1964, namely:—

"(1A) Any reference in clause (v) or clause (vi) of sub-section (1) to charitable purpose in relation to a gift made on or after the 1st day of April, 1964 shall be construed as not including a purpose the whole or substantially the whole of which is of a religious nature."

(ii) in sections 32 and 33A, for the words "four per cent" wherever they occur, the words "six per cent" shall be, and shall be deemed to have been, substituted with effect from the 1st day of April, 1965.

22. Insertion of new section 24A in Act 7 of 1964.—After section 24 of the Companies (Profits) Surtax Act, 1964, the following section shall be inserted, namely:—

"24A. Agreement with foreign countries.—The Central Government may enter into an agreement—

(a) with the Government of any country outside India for the granting of relief in respect of chargeable profits on which have been paid both surtax under this Act and tax of a similar character or income-tax on such profits in that country, or

(b) with the Government of any country outside India for the avoidance of double taxation of chargeable profits under this Act and under any law relating to the taxation of income profits in force in that country."

23. Exclusion of commuted value of pension from total income under the Indian Income-tax Act, 1922.—Notwithstanding anything contained in the Indian Income tax Act, 1922, (1 of 1922) any sum due to or received by any person in commutation of pension shall not be included

and shall be deemed never to have been includible in computing the total income of such person under the provisions of that Act.

24. Voluntary disclosure of income.—(1) Subject to the provisions of this section, where any person makes, on or after the 19th day of August, 1965, and before the 1st day of April, 1966, a declaration in accordance with sub-section (2) in respect of the amount representing income chargeable to tax under the Indian Income-tax Act, 1922 (11 of 1922), or the Income-tax Act, 1961 (43 of 1961) for any assessment year commencing on or before the 1st day of April, 1964—

- (a) for which he has failed to furnish a return within the time allowed under section 22 of the Indian Income-tax Act, 1922 (11 of 1922) or section 139 of the Income-tax Act, 1961 (43 of 1961), or
- (b) which he has failed to disclose in a return of income filed by him on or before the 19th day of August, 1965 under the Indian Income-tax Act, 1922 (11 of 1922) or the Income-tax Act, 1961 (43 of 1961), or
- (c) which has escaped assessment by reason of the omission or failure on the part of such person to make a return under either of the said Acts to the Income-tax Officer or to disclose fully and truly all material facts necessary for his assessment,

he shall, notwithstanding anything contained in the said Acts, be charged income-tax in accordance with sub-section (3) in respect of the amount so declared or if more than one declaration has been made by a person the aggregate of the amounts declared therein as reduced by any amount specified in any order made under sub-section (4) or, if such amount is altered by an order of the Board under sub-section (6), then, such altered amount (hereafter in this section referred to as the voluntarily disclosed income):

Provided that nothing in this section shall apply to the amount representing income assessable for any assessment year for which a notice under section 22 or section 34 of the Indian Income-tax Act, 1922 (11 of 1922), or section 139 or section 148 of the Income-tax Act, 1961 (43 of 1961), has been served upon such person and the date for furnishing the return, whether fixed originally or on extension, falls beyond the 19th day of August, 1965 and the return has not been furnished on or before the said date.

(2) The declaration shall be made to the Commissioner and shall contain the name, address and signature of the person making the declaration (hereafter in this section referred to as the declarant) and also full information in respect of the following matters, namely:—

- (a) whether he was assessed to income-tax or not and, if assessed, the designation of the Income-tax Officer by whom he was last assessed;
- (b) the amount of income declared, giving, where available, details of the previous year or years in which the income was earned and the amount pertaining to each such year;
- (c) whether the amount declared is represented by cash (including bank deposits), bullion, investment in shares, debts due from other persons, commodities or any other assets, and the name in which it is held and location thereof.

(3) Income-tax shall be charged on the amount of the voluntarily disclosed income—

- (a) where the declarant is a person other than a company, at the rates specified in Paragraph A, and
- (b) where the declarant is a company, at the rates specified in Paragraph F, of Part I of the First Schedule to the Finance Act, 1965, (10 of 1965), as if such amount were the total income of

the declarant, so, however, that—

- (i) the proviso to the said Paragraph A or, as the case may be, the second proviso to the said Paragraph F shall not apply;
- (ii) where the declarant is a person other than a company, the voluntarily disclosed income shall be deemed to be earned income;
- (iii) where the declarant is a company, the voluntarily disclosed income shall be deemed to consist of income other than income by way of royalties or fees for rendering technical services or profits and gains derived from the business of generation or distribution of electricity or any other form of power or of construction, manufacture or production of any article or thing or of processing of goods or mining; and
- (iv) where the declarant is a firm, it shall be deemed to be an unregistered firm.

Explanation.—For the purpose of charging income-tax at the rates specified in Paragraph F of Part I of the First Schedule to the Finance Act, 1965 (10 of 1965), a company shall be deemed to be a company as is referred to in section 108 of the Income-tax Act, 1961 (43 of 1961), if it is such a company in relation to the assessment year commencing on the 1st day of April, 1965.

(4) (a) Within thirty days of the receipt of a declaration under sub-section (2), the Commissioner shall, if he is satisfied that the whole or any part of the amount of income declared therein has been detected or is deemed to have been detected by the Income-tax Officer prior to the date of the declaration, make an order in writing to that effect recording therein his reasons therefor and specifying the amount of such income [which he shall estimate to the best of his judgment on the basis of such statement, information, document or other relevant material (including any asset) as is referred to in clause (b)] and forward a copy thereof to the declarant:

Provided that no order under this sub-section shall be made unless the declarant has been given an opportunity of being heard.

(b) For the purposes of this section, income shall be deemed to have been detected by the Income-tax Officer if—

- (i) on the basis of any statement, information, document or other relevant material [including any asset seized under section 132 of the Income-tax Act, 1961 (43 of 1961)], which is in the knowledge or possession of the Income-tax Officer before the date of the declaration, or
- (ii) on the basis of any statement, information, document or other relevant material (including any asset seized under any other law for the time being in force) which is in the knowledge or possession of any other officer of Government before the said date and which has come to the knowledge or possession of the Income-tax Officer not later than fifteen days from the date of the declaration,

such income can be shown to exist or its existence is considered so probable that a prudent man ought under the circumstances of the particular case to act upon the supposition that it exists.

(5) If any person objects for any reason to an order passed by the Commissioner under sub-section (4), he may, within thirty days of the date on which such order is served on him, make an application to the Board, stating therein the reasons for such objection and requesting for appropriate relief in the matter.

(6) In receipt of the application under sub-section (5), the Board may, after giving the applicant an opportunity

of being heard, pass such orders as it thinks fit and forward a copy thereof to the applicant and also to the Commissioner.

(7) (a) The Commissioner shall, as soon as may be after the receipt of the declaration, forward the same to the Income-tax Officer together, with a copy of his order, if any, under sub-section (4) and the Income-tax Officer shall thereupon determine the sum payable by the declarant in accordance with sub-section (3) and shall serve upon him a notice of demand under section 156 of the Income-tax Act, 1961 (43 of 1961), and the provisions of Chapter XV and Chapter XVII-D of, and the Second Schedule and the Third Schedule to, that Act shall, as far as may be, apply accordingly as if the said sum were a sum payable under that Act:

Provided that nothing contained in the said Chapter XVII-D shall be deemed to authorise the Income-tax Officer to extend the time for payment of the tax due or allow payment thereof in instalments unless—

- (i) such amount as is not less than ten per cent of the amount specified as payable in the notice of demand is paid by the declarant within thirty-five days of the service of the notice; and
- (ii) the previous authority of the Commissioner is obtained by him for allowing payment of the balance by instalments:

Provided further that—

- (i) the Commissioner shall in no case authorise payment by instalments unless the declarant furnishes such security for the payment of the balance of tax due in such form and in such manner as the Commissioner may, in his discretion, direct;
- (ii) the instalments so authorised shall in no case extend beyond four years from the date of the declaration.

(b) Where, in consequence of an order passed by the Board under sub-section (6), any additional amount of income-tax is found to be payable by the declarant under this section, the Income-tax Officer shall serve upon the declarant a further notice under section 156 of the Income-tax Act, 1961 (43 of 1961), in respect of such additional amount and all the provisions of clause (a) of this sub-section shall apply accordingly as if the notice were a notice issued under that clause.

(8) An order under sub-section (6) shall be final and shall not be called in question before any court of law or any other authority.

(9) Any amount of income-tax paid in pursuance of a declaration made under this section shall not be refundable in any circumstances and no person who has made the declaration shall be entitled, in respect of the voluntarily disclosed income or any amount of tax paid thereon, to re-open any assessment or re-assessment made under Indian Income-tax Act, 1922 (11 of 1922), or the Indian Income-tax Act, 1961 (43 of 1961), or the Excess Profits Tax Act, 1940 (15 of 1940), or the Business Profits Tax Act, 1947 (21 of 1947), or the Super Profits Tax Act, 1963 (14 of 1963), or the Companies (Profits) Surtax Act, 1964 (7 of 1964), or claim any set off or relief in any appeal, reference, revision or other proceeding in relation to any such assessment or re-assessment.

(10) (a) The amount of the voluntarily disclosed income shall not be included in the total income of the declarant for any assessment year under any of the Acts mentioned in sub-section (9) if he has credited such amount in the books of account, if any, maintained by him for any source of income or in any other record.

(b) The credit made shall be intimated by the declarant to the Income-tax Officer.

(11) Notwithstanding anything contained herein above or in any other law for the time being in force, nothing contained in any declaration made under this section shall be admissible as evidence against the declarant for the purpose of any assessment proceeding or any proceeding relating to imposition of penalty or for the purpose of prosecution under any of the Acts mentioned in sub-section (9) or the Wealth-tax Act, 1957 (27 of 1957), in respect of any amount specified in an order made by the Commissioner under sub-section (4) or, if such amount is altered by an order of the Board under sub-section (6), then, such altered amount.

(12) (a) All particulars contained in any declaration made under this section or record of any proceeding under this section shall be treated as confidential and, notwithstanding anything contained in any law for the time being in force, no court shall be entitled to require any public servant to produce before it any such declaration or record or any part thereof or to give evidence before it in respect thereof.

(b) No public servant shall disclose any particulars contained in any such declaration or record except to any officer employed in the execution of any of the Acts mentioned in sub-section (9), or the Wealth-tax Act, 1957 (27 of 1957), or to any officer appointed by the Comptroller and Auditor-General of India or the Board to audit income-tax receipts or refunds.

(13) The provisions of section 154 of the Income-tax Act, 1961 (43 of 1961), shall, as far as may be, apply in respect of the rectification of any mistake apparent from the record of any proceeding under this section as they apply to the rectification of a mistake in any order under the said Act.

(14) Any payment of income-tax under this section shall be made by depositing the amount to the credit of the Central Government at a Government treasury or sub-treasury, or at any branch of the Reserve Bank of India, or at any branch of the State Bank of India, or at any of its agencies conducting Government treasury business.

(15) The Commissioner shall on an application by the declarant grant a certificate to him setting forth the particulars of the voluntarily disclosed income and the amount of income-tax paid in respect of the same and the date of payment:

Provided that no certificate under this sub-section shall be granted unless the income-tax charged in pursuance of sub-section (3) of this section and the interest, if any, payable, under sub-section (2) of section 220 of the Income-tax Act, 1961 (43 of 1961), has been paid by the declarant in full.

(16) (a) In this section,—

(i) "earned income" shall have the meaning assigned to it in the Finance Act, 1965 (10 of 1965);

(ii) "person" shall have the meaning assigned to it in clause (31) of section 2 of the Income-tax Act, 1961 (43 of 1961), but shall not include any local authority or a corporation established by a Central, State or Provincial Act.

(b) All other words and expressions used in this section but not defined and defined in the Income-tax Act, 1961 (43 of 1961), shall have the meanings respectively assigned to them in the said Act.

25. Amendment of Act 32 of 1934.—In the Indian Tariff Act, 1934 (hereinafter referred to as the Tariff Act),—

(a) in section 2A—

(i) in sub-section (1),—

(1) for the words "shall be liable to customs

duty", the following shall be substituted, namely:—

"shall, in addition, be liable to duty (hereafter in this section referred to as the additional duty)",

(2) for the words "the customs duty", the words "the additional duty" shall be substituted;

(ii) in sub-section (1A) for the words "the customs duty on any imported article equal to the excise duty for the time being leviable on a like article, if produced or manufactured in India, where such excise duty", the following shall be substituted, namely:—
"the additional duty on any imported article, where such duty";

(iii) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) If the Central Government is satisfied that in respect of any article imported, the duty leviable under sub-section (1) does not fully countervail the excise duty chargeable on a like article if produced or manufactured in India including the excise duty chargeable on the raw materials, components or ingredients used in the production or manufacture of such article, the Central Government may, by notification in the Official Gazette, direct that the additional duty chargeable in respect of the imported article shall include an amount representing such portion of the excise duty chargeable on such raw materials, components or ingredients as may be determined by rules made by the Central Government in this behalf.

(3) In making any rules for the purpose of sub-section (2), the Central Government shall have regard to the average quantum of the excise duty payable on the raw materials, components or ingredients used in the production or manufacture of such like article.

(4) The duty chargeable under this section shall be in addition to any duty imposed under this Act or under any other law for the time being in force.

(5) The provisions of the Customs Act, 1962 (52 of 1962) and the rules and regulations made thereunder, including those relating to refunds and exemption from duties, shall, so far as may be, apply to the duty chargeable under this section."

(b) the First Schedule shall be amended in the manner specified in Parts I and II of the Schedule to this Act.

26. Amendment of Act 1 of 1944.—In the Central Excises and Salt Act, 1944, in the First Schedule,—

(a) in Item No. 6, for the entry in the third column, the entry "Four hundred and fifty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(b) in Item No. 7, for the entry in the third column, the entry "Two hundred and thirty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer." shall be substituted;

(c) in Item No. 8, for the entry in the third column against each of the sub-items (a) and (b), the entry "Four hundred and eighty-nine rupees per kilolitre at fifteen degrees of Centigrade thermometer."

shall be substituted;

(d) in Item No. 9, for the entry in the third column, the entry "Ninety rupees per metric tonne." shall be substituted;

(e) in Item No. 10, for the entry in the third column, the entry "Eighty rupees per metric tonne." shall be substituted;

(f) in Item No. 11, for the entry in the third column against each of the sub-items (1) and (2), the entry "Thirty per cent *ad valorem*." shall be substituted;

(g) in Item No. 11A, for the entry in the third column, the entry "Ten per cent *ad valorem*." shall be substituted;

(h) in Item No. 14E,—

(i) the existing *Explanation* shall be numbered as *Explanation 1*;

(ii) after *Explanation 1* as so re-numbered, the following *Explanation* shall be inserted, namely:—

Explanation 11.—"Alcohol", "Opium", "Indian Hemp", "Narcotic Drugs" and "Narcotics" have the meanings respectively assigned to them in section 2 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).";

(i) in Item No. 14F, the following *Explanation* shall be inserted at the end, namely:—

Explanation.—"Alcohol", "Opium", "Indian Hemp", "Narcotic Drugs" and "Narcotics" have the meanings respectively assigned to them in section 2 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955).";

(j) in Item No. 26, for the entry in the third column, the entry "Seventy-five rupees per metric tonne." shall be substituted;

(k) in Item No. 26A, for the entries in the third column against sub-items (1) and (2), the entries "One thousand and five hundred rupees per metric tonne." and "Two thousand rupees per metric tonne." shall, respectively, be substituted;

(l) in Item No. 26AA, for the entry in the third column against each of the sub-items (i) and (ia), the entry "Fifty rupees per metric tonne plus the excise duty for the time being leviable on steel ingots." shall be substituted;

(m) in Item No. 26B, for sub-items (1) and (2), the following sub-items shall be substituted, namely:—

(1) Unwrought, including ingots, cakes, bars, blocks, hard or soft slabs, billets, plates, cathodes, anodes, pellets, spelter, dross, ashes and broken zinc. Five hundred rupees per metric tonne.

(2) Manufactures, the following, namely, plates, sheets, circles, strips and foils in any form or size. Eight hundred rupees per metric tonne.

(3) Pipes and tubes. Ten per cent *ad valorem*."

(n) after Item No. 27, the following Item shall be inserted, namely:—

"27A. LEAD unwrought, including ingots, pigs, blocks, anodes, slabs, cakes and casticks. Five hundred rupees per metric tonne."

THE SCHEDULE

[See section 25 (b)]

PART I

The First Schedule to the Tariff Act shall be amended in the manner and to the extent specified in the Table annexed hereto, and the existing entries in any column thereof which have not been so amended shall continue unaltered.

TABLE

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British colony	
1	2	3	4	5	6	7
For the existing entries in columns 4, 5 and 6, substitute—						
1	60 per cent <i>ad valorem</i>.	..	..	..
1(1)	60 per cent <i>ad valorem</i>.	..	..	..
2	60 per cent <i>ad valorem</i>.	..	..	..
3	60 per cent <i>ad valorem</i>.	..	..	..
3(1)	60 per cent <i>ad valorem</i>.	..	..	..
3(2)	60 per cent <i>ad valorem</i>.	..	..	..
3(3)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
3(4)	60 per cent <i>ad valorem</i>.	..	..	..
4	60 per cent <i>ad valorem</i>.	..	..	..
4(1)	60 per cent <i>ad valorem</i>.	..	..	..
4(4)	60 per cent <i>ad valorem</i>.	..	..	..
4(5)	60 per cent <i>ad valorem</i>.	..	..	..
5	40 per cent <i>ad valorem</i>.	..	..	..
5(1)	60 per cent <i>ad valorem</i>.	..	..	..
5(2)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
6	60 per cent <i>ad valorem</i>.	..	..	..
6(1)	60 per cent <i>ad valorem</i>.	..	..	..
7	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
7(1)	100 per cent <i>ad valorem</i> .	..	94 per cent <i>ad valorem</i> .	..
8	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
8(1)	100 per cent <i>ad valorem</i>.	..	..	..
8(2)(A)(a)	Rs. 860 per quintal.	..	Rs. 860 per quintal less 10 per cent <i>ad valorem</i> .	..
(8)(2)(A)(b)(i)	Rs. 500 per quintal.	..	Rs. 500 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(A)(b)(ii)	Rs. 280 per quintal.	..	Rs. 280 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(B)(a)	Rs. 150 per quintal.	..	Rs. 150 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(B)(b)	Rs. 100 per quintal.	..	Rs. 100 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(B)(c)	Rs. 70 per quintal.	..	Rs. 70 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(C)	Rs. 30 per quintal.	..	Rs. 30 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(D)(a)	Rs. 400 per quintal.	..	Rs. 400 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(D)(b)	Rs. 1,000 per quintal.	..	Rs. 1,000 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(E)(a)	Rs. 200 per quintal.	..	Rs. 200 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(E)(b)	Rs. 260 per quintal.	..	Rs. 260 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(E)(c)	Rs. 400 per quintal.	..	Rs. 400 per quintal less 10 per cent <i>ad valorem</i> .	..
8(2)(F)	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
8(3)	100 per cent <i>ad valorem</i>.	..	..	..
8(4)	100 per cent <i>ad valorem</i> .	..	94 per cent <i>ad valorem</i> .	..

1	2	3	4	5	6	7
8(5)	100 per cent <i>ad valorem</i> .	..	94 per cent <i>ad valorem</i> .	..
9	100 per cent <i>ad valorem</i> .	..	100 per cent <i>ad valorem</i> less 13 Paise per kilo- gram.	..
9(1)	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
9(2)	100 per cent <i>ad valorem</i> .	..	100 per cent <i>ad valorem</i> less 26 Paise per kilo- gram.	..
9(4)	100 per cent <i>ad valorem</i> .	..	92½ per cent <i>ad valorem</i> .	..
9(6)	60 per cent <i>ad valorem</i>.	..	..	..
11	60 per cent <i>ad valorem</i>.	..	..	..
11(2)	60 per cent <i>ad valorem</i>.	..	..	..
11(3)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
11(4)	60 per cent <i>ad valorem</i>.	..	..	..
11(5)	60 per cent <i>ad valorem</i>.	..	..	..
11(6)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
12	60 per cent <i>ad valorem</i>.	..	..	..
12(2)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
12(3)	60 per cent <i>ad valorem</i>.	..	..	..
12(4)	100 per cent <i>ad valorem</i>.	..	..	..
12(5)	60 per cent <i>ad valorem</i>.	..	..	..
12(6)	60 per cent <i>ad valorem</i>.	..	..	..
13	40 per cent <i>ad valorem</i>.	..	..	..
13(1)	40 per cent <i>ad valorem</i>.	..	..	..
13(2)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
13(3)	60 per cent <i>ad valorem</i>.	..	..	..
13(4)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
13(5)	60 per cent <i>ad valorem</i>.	..	..	..
13(6)	60 per cent <i>ad valorem</i>.	..	..	..
13(7)	60 per cent <i>ad valorem</i>.	..	..	..
13(8)	60 per cent <i>ad valorem</i>.	..	..	..
13(9)	60 per cent <i>ad valorem</i> .	..	60 per cent <i>ad valorem</i> .	..
14	60 per cent <i>ad valorem</i>.	..	..	..
15	60 per cent <i>ad valorem</i>.	..	..	..
15(1)	60 per cent <i>ad valorem</i>.	..	..	..
15(2)	60 per cent <i>ad valorem</i>.	..	..	..
15(3)	60 per cent <i>ad valorem</i>.	..	..	..
15(4)	60 per cent <i>ad valorem</i>.	..	..	..
15(5)	60 per cent <i>ad valorem</i>.	..	..	..
15(6)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
15(7)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
15(8)	60 per cent <i>ad valorem</i>.	..	..	..
15(9)	60 per cent <i>ad valorem</i>.	..	..	..
15(10)	60 per cent <i>ad valorem</i>.	..	..	..
15(12)	60 per cent <i>ad valorem</i>.	..	..	..
16	100 per cent <i>ad valorem</i>.	..	..	..
16(1)	100 per cent <i>ad valorem</i>.	..	..	..
16(2)	100 per cent <i>ad valorem</i>.	..	..	..
16(3)	100 per cent <i>ad valorem</i>.	..	..	..
17	60 per cent <i>ad valorem</i>.	..	..	..
17(1)	60 per cent <i>ad valorem</i>.	..	..	..
17(2)	100 per cent <i>ad valorem</i>.	..	..	..
17(3)	60 per cent <i>ad valorem</i>.	..	..	..
18(a)	60 per cent <i>ad valorem</i>.	..	..	..
18(b)	100 per cent <i>ad valorem</i>.	..	..	..
19	100 per cent <i>ad valorem</i>.	..	..	..
19(1)	60 per cent <i>ad valorem</i>.	..	..	..
19(2)	60 per cent <i>ad valorem</i>.	..	..	..
19(3)	100 per cent <i>ad valorem</i>.	..	..	..
20	100 per cent <i>ad valorem</i>.	..	..	..
20(1)	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
20(2)	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
20(3)	100 per cent <i>ad valorem</i> .	..	90 per cent <i>ad valorem</i> .	..
20(4)	100 per cent <i>ad valorem</i>.	..	..	..
20(5)(a)	94 per cent <i>ad valorem</i>.	..	..	..
20(5)(b)	100 per cent <i>ad valorem</i>.	..	..	..
20(6)	100 per cent <i>ad valorem</i> .	..	100 per cent <i>ad valorem</i> .	..
20(7)	100 per cent <i>ad valorem</i> .	..	94 per cent <i>ad valorem</i> .	..

1	2	3	4	5	6	7
20(8)	100 per cent <i>ad valorem</i> .	..	94 per cent <i>ad valorem</i> .	..
20(9)	100 per cent <i>ad valorem</i> .	..	92 per cent <i>ad valorem</i> .	..
21	100 per cent <i>ad valorem</i>.	..	..	..
21(1)	100 per cent <i>ad valorem</i>.	..	..	..
21(2)	100 per cent <i>ad valorem</i>.	..	..	..
21(3)	100 per cent <i>ad valorem</i>.	..	..	..
21(4)	100 per cent <i>ad valorem</i>.	..	..	..
21(5)	100 per cent <i>ad valorem</i>.	..	..	..
21(6)	100 per cent <i>ad valorem</i>.	..	..	..
21(7)	100 per cent <i>ad valorem</i>.	..	..	..
21(8)	100 per cent <i>ad valorem</i>.	..	..	..
21(9)	100 per cent <i>ad valorem</i>.	..	..	..
21(10)	100 per cent <i>ad valorem</i>.	..	..	..
22	100 per cent <i>ad valorem</i>.	..	..	..
22(4)(b)(ii)	Rs. 60 per litre or 170 per cent <i>ad valorem</i> whichever is higher, plus Rs. 5 per litre.	..	..	..
22(5)(b)(i)	Rs. 14.40 per litre or 60 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	Rs. 13.50 per litre or 50 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	Rs. 13.50 per litre or 50 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	..
22(5)(b)(ii)	Rs. 14.40 per litre or 60 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	Rs. 13.50 per litre or 50 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	Rs. 13.50 per litre or 50 per cent <i>ad valorem</i> , whichever is higher, plus Rs. 5 per litre.	..
22(6)	60 per cent <i>ad valorem</i>.	..	..	..
22(7)	60 per cent <i>ad valorem</i>.	..	..	..
23	60 per cent <i>ad valorem</i>.	..	..	..
24	100 per cent <i>ad valorem</i>.	..	..	..
24(1)	100 per cent <i>ad valorem</i>.	..	..	..
24(2)	100 per cent <i>ad valorem</i>.	..	..	..
25	60 per cent <i>ad valorem</i>.	..	..	..
25(1)	For "exempted", substitute "falling".	..	Rs. 10 per quintal.	..	..	..
25(2)	Rs. 10 per quintal.	..	..	..
25(3)	60 per cent <i>ad valorem</i>.	..	..	..
25(4)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
25(5)	60 per cent <i>ad valorem</i>.	..	..	..
25(6)	60 per cent <i>ad valorem</i>.	..	..	..
25(7)	60 per cent <i>ad valorem</i>.	..	..	..
26	40 per cent <i>ad valorem</i>.	..	..	..
26(1)	40 per cent <i>ad valorem</i>.	..	..	..
27	40 per cent <i>ad valorem</i>.	..	..	..
27(1)	40 per cent <i>ad valorem</i> .	..	31 per cent <i>ad valorem</i> .	..
27(2)	40 per cent <i>ad valorem</i>.	..	..	..
27(3)	40 per cent <i>ad valorem</i>.	..	..	..
27(4)(b)	40 per cent <i>ad valorem</i>.	..	..	..
27(7)(a)	40 per cent <i>ad valorem</i>.	..	..	..
27(8)	40 per cent <i>ad valorem</i>.	..	..	..
27(9)	40 per cent <i>ad valorem</i>.	..	..	..
28	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28A	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(1)	40 per cent <i>ad valorem</i>.	..	..	..
28(4)(a)	50 per cent <i>ad valorem</i>.	..	..	..
28(4)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(5)	60 per cent <i>ad valorem</i>.	..	..	..
28(6)(a)	60 per cent <i>ad valorem</i>.	..	..	..
28(6)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(7)	60 per cent <i>ad valorem</i>.	..	..	..
28(7.4)	100 per cent <i>ad valorem</i>.	..	..	..
28(8)	60 per cent <i>ad valorem</i>.	..	..	..
28(9)	R. 20 per kilogram.	..	..	..
28(10)	60 per cent <i>ad valorem</i> , or Rs. 42 per kilogram, of Saccharine content, whichever is higher.	..	..	..

1	2	3	4	5	6	7
28(11)	60 per cent <i>ad valorem</i>.	..	..	..
28(12)	60 per cent <i>ad valorem</i>.	..	..	..
28(15)(a)	50 per cent <i>ad valorem</i>.	..	..	..
28(15)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(16)	60 per cent <i>ad valorem</i>.	..	..	..
28(17)	60 per cent <i>ad valorem</i>.	..	..	..
28(18)(a)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(18)(b)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(18)(c)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(18)(d)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(19)	60 per cent <i>ad valorem</i>.	..	..	..
28(20)(a)	60 per cent <i>ad valorem</i>.	..	..	..
28(20)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(20)(c)	60 per cent <i>ad valorem</i>.	..	..	..
28(20)(d)	60 per cent <i>ad valorem</i>.	..	..	..
28(20)(e)	60 per cent <i>ad valorem</i>.	..	..	..
28(21)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(22)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(23)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(24)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(26)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(26A)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(27)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(28)(a)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(28)(b)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i> .	..
28(29)	60 per cent <i>ad valorem</i>.	..	..	..
28(30)	100 per cent <i>ad valorem</i>.	..	..	..
28(31)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(32)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i> .	..
28(33)	60 per cent <i>ad valorem</i>.	..	..	..
28(34)(a)	50 per cent <i>ad valorem</i>.	..	..	..
28(34)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(35)(a)	50 per cent <i>ad valorem</i>.	..	..	..
28(35)(b)	60 per cent <i>ad valorem</i>.	..	..	..
28(36)(a)	90 per cent <i>ad valorem</i>.	..	..	..
28(36)(b)	100 per cent <i>ad valorem</i>.	..	..	..
28(37)(a)	90 per cent <i>ad valorem</i>.	..	..	..
28(37)(b)	100 per cent <i>ad valorem</i>.	..	..	..
29	Rs. 15 per 100 linear metres.	..	..	..
30	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
30(1)(a)	60 per cent <i>ad valorem</i>.	..	..	..
30(1)(b)(i)	60 per cent <i>ad valorem</i>.	..	..	..
30(1)(b)(ii)	100 per cent <i>ad valorem</i>.	..	..	..
30(1)(b)(iii)	60 per cent <i>ad valorem</i>.	..	..	..
30(1)(c)	60 per cent <i>ad valorem</i>.	..	..	..
30(2)(a)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
30(2)(b)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
30(2)(c)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
30(2)(cc)(i)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i>.	..	..
30(2)(cc)(ii)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i>.	..	..
30(2)(cc)(iii)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i>.	..	..
30(2)(cc)(iv)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i>.	..	..
30(2)(d)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
30(3)(a)	60 per cent <i>ad valorem</i>.	..	..	..
30(3)(b)	60 per cent <i>ad valorem</i>.	..	..	..
30(3)(c)	60 per cent <i>ad valorem</i>.	..	..	..
30(3)(d)	60 per cent <i>ad valorem</i>.	..	..	..
30(4)	60 per cent <i>ad valorem</i>.	..	..	..
30(5)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
30(6)	60 per cent <i>ad valorem</i>.	..	..	..
30(7)	100 per cent <i>ad valorem</i>.	..	..	..
30(8)	100 per cent <i>ad valorem</i>.	..	..	..
30(9)(a)	50 per cent <i>ad valorem</i>.	..	..	..
30(9)(b)	60 per cent <i>ad valorem</i>.	..	..	..
30(10)	60 per cent <i>ad valorem</i>.	..	..	..
30(11)	100 per cent <i>ad valorem</i> .	100 per cent <i>ad valorem</i>.	..	..
30(12)	60 per cent <i>ad valorem</i> .	54 per cent <i>ad valorem</i>.	..	..

1	2	3	4	5	6	7
30(13)	Dyes, derived from coal-tar, the following, namely:— Alizarine moist exceeding 20 per cent, Alizarine red Azo dyes not otherwise specified. Sulphur dyes of other colours. Ultrazols Vats, powder.	60	per cent <i>ad valorem</i>.	..	..	..
30(14)(a)		60	per cent <i>ad valorem</i>.	..	..	..
30(14)(b)		60	per cent <i>ad valorem</i>.	..	..	..
30(15)	Dyes, derived from coal-tar, and coal-tar derivatives used in any dyeing process, the following, namely:— Dyes belonging to the class of Rapid Fast Colours, Rapidogens and Rapidazols. Fast colour salts. Solubilised vats	60	per cent <i>ad valorem</i>.	..	..	..
30(16)	Dyes, derived from coal-tar, the following, namely:— Acid Azo Dyes (including Acid Fast Red A). Direct Azo Dyes (including Congo Red). Sulphur black	60	per cent <i>ad valorem</i>.	..	..	..
31(4)	..	100	per cent <i>ad valorem</i>.	..	..	..
32(3)	..	100	per cent <i>ad valorem</i>.	..	..	..
32(4)	..	100	per cent <i>ad valorem</i>.	..	..	..
33	..	60	per cent <i>ad valorem</i>.	..	..	..
33(1)	..	60	per cent <i>ad valorem</i>.	..	..	..
34	..	100	per cent <i>ad valorem</i>.	..	..	..
34(1)	..	60	per cent <i>ad valorem</i>.	..	..	..
34(2)	..	60	per cent <i>ad valorem</i>.	..	..	..
34(3)	..	100	per cent <i>ad valorem</i>.	..	..	..
34(4)(a)	..	100	per cent <i>ad valorem</i>.	..	..	..
34(4)(b)	..	100	per cent <i>ad valorem</i>.	..	..	..
34(4)(c)	..	100	per cent <i>ad valorem</i>.	..	..	..
36	..	60	per cent <i>ad valorem</i>.	..	..	..
36(2)	..	100	per cent <i>ad valorem</i>.	..	..	..
39	..	40	per cent <i>ad valorem</i>.	..	..	..
39(1)	..	100	per cent <i>ad valorem</i>.	..	..	..
39(2)	..	60	per cent <i>ad valorem</i>.	..	..	..
39(3)	..	60	per cent <i>ad valorem</i>.	..	..	..
40	..	60	per cent <i>ad valorem</i>.	..	..	..
40(1)	..	60	per cent <i>ad valorem</i>.	..	..	..
40(3)	..	60	per cent <i>ad valorem</i>.	..	..	..
40(4)	..	60	per cent <i>ad valorem</i>.	..	..	..
40(5)	..	60	per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
40(6)	60 per cent <i>ad valorem</i>.	..	..	..
40(7)	60 per cent <i>ad valorem</i>.	..	..	..
41	60 per cent <i>ad valorem</i>.	..	..	..
43	40 per cent <i>ad valorem</i>.	..	..	..
43(I)	40 per cent <i>ad valorem</i>.	..	..	..
44	100 per cent <i>ad valorem</i>.	..	..	..
44(I)	100 per cent <i>ad valorem</i>.	..	..	..
44(4)	100 per cent <i>ad valorem</i>.	..	..	..
44(7)	100 per cent <i>ad valorem</i>.	..	..	..
45(b)	100 per cent <i>ad valorem</i>.	..	..	..
45(c)	100 per cent <i>ad valorem</i>.	..	..	..
45(2)	100 per cent <i>ad valorem</i>.	..	..	..
45(3)	100 per cent <i>ad valorem</i>.	..	..	..
45(4)	100 per cent <i>ad valorem</i>.	..	..	..
45(5)	100 per cent <i>ad valorem</i>.	..	..	..
45(6)	100 per cent <i>ad valorem</i>.	..	..	..
	60 per cent <i>ad valorem</i> plus Rs. 8.80 per kilogram.	..	..	..
46(I)	60 per cent <i>ad valorem</i>.	..	..	..
46(2)	40 per cent <i>ad valorem</i>.	..	..	..
46(3)	40 per cent <i>ad valorem</i>.	..	..	..
46(4)(a)	40 per cent <i>ad valorem</i>.	..	..	..
46(4)(b)	40 per cent <i>ad valorem</i>.	..	..	..
46(5)	40 per cent <i>ad valorem</i> .	..	30 per cent <i>ad valorem</i> .	..
46(6)	40 per cent <i>ad valorem</i>.	..	..	..
47(a)	60 per cent <i>ad valorem</i> plus Rs. 8.80 per kilogram.	..	..	..
47(b)	60 per cent <i>ad valorem</i> plus Rs. 11.60 per kilogram.	..	..	..
47(c)	60 per cent <i>ad valorem</i>.	..	..	..
47(I)	60 per cent <i>ad valorem</i>.	..	..	..
47(2)	100 per cent <i>ad valorem</i>.	..	..	..
47(3)	60 per cent <i>ad valorem</i>.	..	..	..
47(4)	60 per cent <i>ad valorem</i>.	..	..	..
47(5)	60 per cent <i>ad valorem</i>.	..	..	..
47(6)(a)(i)	60 per cent <i>ad valorem</i>.	..	..	..
47(6)(a)(ii)	60 per cent <i>ad valorem</i>.	..	..	..
47(6)(b)(i)	60 per cent <i>ad valorem</i>.	..	..	..
47(6)(b)(ii)	60 per cent <i>ad valorem</i>.	..	..	..
47(7)	60 per cent <i>ad valorem</i>.	..	..	..
47(8)	40 per cent <i>ad valorem</i>.	..	..	..
48(1)(a)	80 per cent <i>ad valorem</i>.	..	..	..
48(1)(b)	100 per cent <i>ad valorem</i>.	..	..	..
48(2)	100 per cent <i>ad valorem</i>.	..	..	..
48(4)(a)	100 per cent <i>ad valorem</i>.	..	..	..
48(4)(b)(i)	100 per cent <i>ad valorem</i>.	..	..	..
48(5)(a)(i)	80 per cent <i>ad valorem</i>.	..	..	..
48(5)(a)(ii)	100 per cent <i>ad valorem</i>.	..	..	..
48(5)(b)(i)	80 per cent <i>ad valorem</i>.	..	..	..
48(5)(b)(ii)	100 per cent <i>ad valorem</i>.	..	..	..
48(6)	100 per cent <i>ad valorem</i>.	..	..	..
49(a)	100 per cent <i>ad valorem</i>.	..	..	..
49(b)	Omit the words "if of British manufacture, or", "if not of British manu- facture" and "whether of British manu- facture or other- wise".	..	100 per cent <i>ad valorem</i>.	..	..	..
49(c)	Omit the words "if not of British manu-	..	100 per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
	facture and".					
49(1)(a)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
49(1)(b)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
49(1)(c)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
49(2)	100 per cent <i>ad valorem</i>.	..	..	..
49(3)	100 per cent <i>ad valorem</i>.	..	..	..
49(4)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
49(5)	100 per cent <i>ad valorem</i>.	..	..	..
50	100 per cent <i>ad valorem</i>.	..	..	..
50(1)	100 per cent <i>ad valorem</i>.	..	..	..
50(2)	100 per cent <i>ad valorem</i>.	..	..	..
50(3)	40 per cent <i>ad valorem</i>.	..	..	..
50(4)	60 per cent <i>ad valorem</i>.	..	..	..
50(6)	60 per cent <i>ad valorem</i>.	..	..	..
50(7)	100 per cent <i>ad valorem</i>.	..	..	..
50(8)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
51(1)	100 per cent <i>ad valorem</i>.	..	..	..
51(2)(a)	100 per cent <i>ad valorem</i>.	..	..	..
51(2)(b)	100 per cent <i>ad valorem</i>.	..	..	..
51(3)	100 per cent <i>ad valorem</i>.	..	..	..
52(1)	60 per cent <i>ad valorem</i>.	..	..	..
53(1)	40 per cent <i>ad valorem</i>.	..	..	..
54(a)	100 per cent <i>ad valorem</i>.	..	..	..
54(b)	100 per cent <i>ad valorem</i>.	..	..	..
54(2)	60 per cent <i>ad valorem</i>.	..	..	..
55	100 per cent <i>ad valorem</i>.	..	..	..
55(1)	100 per cent <i>ad valorem</i>.	..	..	..
55(3)	100 per cent <i>ad valorem</i>.	..	..	..
56(1)	100 per cent <i>ad valorem</i>.	..	..	..
58	60 per cent <i>ad valorem</i>.	..	..	..
58(1)	60 per cent <i>ad valorem</i>.	..	..	..
58(2)	60 per cent <i>ad valorem</i>.	..	..	..
59	60 per cent <i>ad valorem</i>.	..	..	..
59(1)	60 per cent <i>ad valorem</i>.	..	..	..
59(2)	100 per cent <i>ad valorem</i>.	..	..	..
59(3)	100 per cent <i>ad valorem</i>.	..	..	..
59(4)	100 per cent <i>ad valorem</i>.	..	..	..
59(5)	100 per cent <i>ad valorem</i>.	..	..	..
59(6)	60 per cent <i>ad valorem</i>.	..	..	..
60	100 per cent <i>ad valorem</i>.	..	..	..
60(1)(a)	100 per cent <i>ad valorem</i>.	..	..	..
60(1)(b)	100 per cent <i>ad valorem</i>.	..	..	..
60(3)	100 per cent <i>ad valorem</i>.	..	..	..
60(5)	100 per cent <i>ad valorem</i>.	..	..	..
60(6)	100 per cent <i>ad valorem</i>.	..	..	..
60(7)	100 per cent <i>ad valorem</i>.	..	..	..
60(8)(a)	100 per cent <i>ad valorem</i>.	..	..	..
60(8)(b)	100 per cent <i>ad valorem</i>.	..	..	..
61	40 per cent <i>ad valorem</i>.	..	..	..
61(1)	60 per cent <i>ad valorem</i>.	..	..	..
61(2)	100 per cent <i>ad valorem</i>.	..	..	..
61(3)	100 per cent <i>ad valorem</i>.	..	..	..
61(5)	100 per cent <i>ad valorem</i>.	..	..	..
61(7)	100 per cent <i>ad valorem</i>.	..	..	..
61(8)	100 per cent <i>ad valorem</i>.	..	..	..
61(11)	100 per cent <i>ad valorem</i>.	..	..	..
62(1)	100 per cent <i>ad valorem</i>.	..	..	..
62(2)	100 per cent <i>ad valorem</i>.	..	..	..
63	40 per cent <i>ad valorem</i>.	..	..	..
63(1)	40 per cent <i>ad valorem</i>.	..	..	..
63(2)(a)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(2)(a)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(2)(b)	40 per cent <i>ad valorem</i>.	..	..	..
63(3)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(3)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(4)	40 per cent <i>ad valorem</i>.	..	..	..
63(5)	40 per cent <i>ad valorem</i>.	..	..	..
63(6)(i)	40 per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
63(6)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(7)	40 per cent <i>ad valorem</i>.	..	..	..
63(8)	40 per cent <i>ad valorem</i>.	..	..	..
63(9)	40 per cent <i>ad valorem</i>.	..	..	..
63(10)(i)	40 per cent <i>ad valorem</i>.	..	..	..
			less Rs. 20 per tonne.			
63(10)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(11)	40 per cent <i>ad valorem</i>.	..	..	..
63(12)	60 per cent <i>ad valorem</i>.	..	..	..
63(13)	40 per cent <i>ad valorem</i>.	..	..	..
63(14)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i>.	..	..
63(14.4)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
63(15)	60 per cent <i>ad valorem</i>.	..	..	..
63(16)	60 per cent <i>ad valorem</i>.	..	..	..
63(17)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(17)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(18)(a)	60 per cent <i>ad valorem</i>.	..	..	..
63(18)(b)	60 per cent <i>ad valorem</i>.	..	..	..
63(19)(a)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(19)(a)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(19)(b)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(a)(i)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(a)(i)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(a)(2)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(a)(2)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(1)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(b)(1)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(b)(2)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(20)(b)(2)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)A(a)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)A(a)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)A(b)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)A(b)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)B(a)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)B(a)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)B(b)(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)B(b)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)C(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)C(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)D(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)D(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)E(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)E(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)F(i)	40 per cent <i>ad valorem</i>.	..	..	..
63(21)F(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(22)	40 per cent <i>ad valorem</i>.	..	..	..
63(23)	40 per cent <i>ad valorem</i>.	..	..	..
63(25)(i)	40 per cent <i>ad valorem</i>.	..	..	..
			less Rs. 35 per tonne.			
63(25)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(26)	40 per cent <i>ad valorem</i>.	..	..	..
63(27)(i)	30 per cent <i>ad valorem</i>.	..	..	..
63(27)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
63(29)(a)	100 per cent <i>ad valorem</i>.	..	..	..
63(29)(b)	100 per cent <i>ad valorem</i>.	..	..	..
63(30)(a)	30 per cent <i>ad valorem</i>.	..	..	..
63(30)(b)	40 per cent <i>ad valorem</i>.	..	..	..
63(31)(a)	40 per cent <i>ad valorem</i>.	..	..	..
63(31)(b)	40 per cent <i>ad valorem</i>.	..	..	..
63(32)(a)	40 per cent <i>ad valorem</i>.	..	..	..
			less Rs. 35 per tonne.			
63(32)(b)	40 per cent <i>ad valorem</i>.	..	..	..
63(33)(a)	60 per cent <i>ad valorem</i>.	..	..	..
63(33)(b)	60 per cent <i>ad valorem</i>.	..	..	..
63(34)(a)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i>.	..	..
63(34)(b)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i>.	..	..
63(34)(c)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i>.	..	..
63(35)	40 per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
64	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
64(1)	40 per cent <i>ad valorem</i>.	..	..	..
64(2)	40 per cent <i>ad valorem</i>.	..	..	..
64(3)(a)	50 per cent <i>ad valorem</i>.	..	..	..
64(3)(b)	60 per cent <i>ad valorem</i>.	..	..	..
64(4)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i> .	..
64(5)(a)	50 per cent <i>ad valorem</i>.	..	..	..
64(5)(b)	60 per cent <i>ad valorem</i>.	..	..	..
65(a)	40 per cent <i>ad valorem</i>.	..	..	..
65(b)	40 per cent <i>ad valorem</i>.	..	..	..
65(1)	40 per cent <i>ad valorem</i>.	..	..	..
66(a)	40 per cent <i>ad valorem</i>.	..	..	..
66(b)	60 per cent <i>ad valorem</i>.	..	..	..
66(1)	40 per cent <i>ad valorem</i>.	..	..	..
66(2)	40 per cent <i>ad valorem</i>.	..	..	..
67	40 per cent <i>ad valorem</i>.	..	..	..
67(1)	40 per cent <i>ad valorem</i>.	..	..	..
67(2)	40 per cent <i>ad valorem</i>.	..	..	..
67(3)	40 per cent <i>ad valorem</i>.	..	..	..
67(4)	40 per cent <i>ad valorem</i>.	..	..	..
68	40 per cent <i>ad valorem</i>.	..	..	..
68(1)	40 per cent <i>ad valorem</i>.	..	..	..
68(2)	40 per cent <i>ad valorem</i>.	..	..	..
68(2A)	40 per cent <i>ad valorem</i>.	..	..	..
68(3)	40 per cent <i>ad valorem</i>.	..	..	..
68(4)	40 per cent <i>ad valorem</i>.	..	..	..
69	40 per cent <i>ad valorem</i>.	..	..	..
69(1)	40 per cent <i>ad valorem</i>.	..	..	..
69(2)	40 per cent <i>ad valorem</i>.	..	..	..
70	60 per cent <i>ad valorem</i>.	..	..	..
70A	60 per cent <i>ad valorem</i>.	..	..	..
70(1)	60 per cent <i>ad valorem</i>.	..	..	..
70(2)	40 per cent <i>ad valorem</i>.	..	..	..
70(3)	60 per cent <i>ad valorem</i>.	..	..	..
70(4)	40 per cent <i>ad valorem</i>.	..	..	..
70(5)	60 per cent <i>ad valorem</i>.	..	..	..
70(5A)	60 per cent <i>ad valorem</i>.	..	..	..
70(6)	60 per cent <i>ad valorem</i>.	..	..	..
70(7)	40 per cent <i>ad valorem</i>.	..	..	..
70(8)	40 per cent <i>ad valorem</i>.	..	..	..
70(9)	40 per cent <i>ad valorem</i>.	..	..	..
71(1)	60 per cent <i>ad valorem</i>.	..	..	..
71(4)	60 per cent <i>ad valorem</i>.	..	..	..
71(5)	40 per cent <i>ad valorem</i>.	..	..	..
71(6)	40 per cent <i>ad valorem</i>.	..	..	..
71(7)	100 per cent <i>ad valorem</i>.	..	..	..
71(8)	40 per cent <i>ad valorem</i>.	..	..	..
71(9)(a)	100 per cent <i>ad valorem</i>.	..	..	..
71(9)(b)	100 per cent <i>ad valorem</i>.	..	..	..
71(10)(a)	100 per cent <i>ad valorem</i>.	..	..	..
71(10)(b)	100 per cent <i>ad valorem</i>.	..	..	..
71(11)	100 per cent <i>ad valorem</i>.	..	..	..
71(12)	40 per cent <i>ad valorem</i>.	..	..	..
71(13)(1)(a)	100 per cent <i>ad valorem</i>.	..	..	..
71(13)(1)(b)	100 per cent <i>ad valorem</i>.	..	..	..
71(13)(1)(c)	100 per cent <i>ad valorem</i>.	..	..	..
71(13)(2)(a)	100 per cent <i>ad valorem</i>.	..	..	..
71(14)	60 per cent <i>ad valorem</i>.	..	..	..
72	40 per cent <i>ad valorem</i>.	..	..	..
72(1)	40 per cent <i>ad valorem</i>.	..	..	..
72(2)	40 per cent <i>ad valorem</i>.	..	..	..
72(3)	40 per cent <i>ad valorem</i>.	..	..	..
72(4)(a)	40 per cent <i>ad valorem</i>.	..	..	..
72(4)(b)	40 per cent <i>ad valorem</i>.	..	..	..
72(5)	100 per cent <i>ad valorem</i> .	94 per cent <i>ad valorem</i>.	..	..
72(6)	60 per cent <i>ad valorem</i>.	..	..	..
72(7)	60 per cent <i>ad valorem</i>.	..	..	..
72(8)	40 per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
72(9)	40 per cent <i>ad valorem</i>.	..	..	..
72(10)	60 per cent <i>ad valorem</i> .	50 per cent <i>ad valorem</i>.	..	..
72(11)(a)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
72(11)(b)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
72(12)	60 per cent <i>ad valorem</i>.	..	..	..
72(12A)	60 per cent <i>ad valorem</i>.	..	..	..
72(13)	40 per cent <i>ad valorem</i>.	..	..	..
72(14)(a)(i)	40 per cent <i>ad valorem</i>.	..	..	..
72(14)(a)(ii)	40 per cent <i>ad valorem</i>.	..	..	..
72(14)(a)(iii)	40 per cent <i>ad valorem</i>.	..	..	..
72(14)(a)(iv)	60 per cent <i>ad valorem</i>.	..	..	..
72(14)(b)	40 per cent <i>ad valorem</i>.	..	..	..
72(14)(c)	60 per cent <i>ad valorem</i>.	..	..	..
72(15)	40 per cent <i>ad valorem</i>.	..	..	..
72(16)	40 per cent <i>ad valorem</i>.	..	..	..
72(17)	40 per cent <i>ad valorem</i>.	..	..	..
72(18)	40 per cent <i>ad valorem</i>.	..	..	..
72(19)	40 per cent <i>ad valorem</i>.	..	..	..
72(20)	40 per cent <i>ad valorem</i>.	..	..	..
72(21)	40 per cent <i>ad valorem</i>.	..	..	..
72(22)	40 per cent <i>ad valorem</i>.	..	..	..
72(23)	40 per cent <i>ad valorem</i>.	..	..	..
72(24)	40 per cent <i>ad valorem</i>.	..	..	..
72(25)	40 per cent <i>ad valorem</i>.	..	..	..
72(26)	60 per cent <i>ad valorem</i>.	..	..	..
72(27)	60 per cent <i>ad valorem</i>.	..	..	..
72(28)	60 per cent <i>ad valorem</i>.	..	..	..
72(29)	40 per cent <i>ad valorem</i>.	..	..	..
72(31)(a)	40 per cent <i>ad valorem</i>.	..	..	..
72(31)(b)	40 per cent <i>ad valorem</i>.	..	..	..
72(32)(a)	40 per cent <i>ad valorem</i>.	..	..	..
72(32)(b)	40 per cent <i>ad valorem</i>.	..	..	..
72(33)	60 per cent <i>ad valorem</i>.	..	..	..
72(34)	40 per cent <i>ad valorem</i>.	..	..	..
72(35)	100 per cent <i>ad valorem</i>.	..	..	..
72(36)	100 per cent <i>ad valorem</i>.	..	..	..
72(37)	100 per cent <i>ad valorem</i>.	..	..	..
72(38)	40 per cent <i>ad valorem</i>.	..	..	..
72(39)	40 per cent <i>ad valorem</i>.	..	..	..
72(40)(a)	40 per cent <i>ad valorem</i>.	..	..	..
72(40)(b)	40 per cent <i>ad valorem</i>.	..	..	..
73(2)	60 per cent <i>ad valorem</i>.	..	..	..
73(3)	40 per cent <i>ad valorem</i>.	..	..	..
73(4)	100 per cent <i>ad valorem</i> .	94 per cent <i>ad valorem</i>.	..	..
73(6)	60 per cent <i>ad valorem</i>.	..	..	..
73(7)(a)	40 per cent <i>ad valorem</i>.	..	..	..
73(7)(b)	60 per cent <i>ad valorem</i>.	..	..	..
73(8)	60 per cent <i>ad valorem</i>.	..	..	..
73(9)(a)	60 per cent <i>ad valorem</i>.	..	..	..
73(9)(b)	60 per cent <i>ad valorem</i>.	..	..	..
73(10)	100 per cent <i>ad valorem</i> .	94 per cent <i>ad valorem</i>.	..	..
73(11)	100 per cent <i>ad valorem</i> .	94 per cent <i>ad valorem</i>.	..	..
73(12)	100 per cent <i>ad valorem</i> .	94 per cent <i>ad valorem</i>.	..	..
73(13)	40 per cent <i>ad valorem</i> .	30 per cent <i>ad valorem</i>.	..	..
73(14)	100 per cent <i>ad valorem</i>.	..	..	..
73(15)(a)	60 per cent <i>ad valorem</i>.	..	..	..
73(15)(b)	60 per cent <i>ad valorem</i>.	..	..	..
73(16)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
73(17)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
73(18)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
73(19)	40 per cent <i>ad valorem</i>.	..	..	..
73(20)	60 per cent <i>ad valorem</i>.	..	..	..
73(23)	60 per cent <i>ad valorem</i>.	..	..	..
74(a)	30 per cent <i>ad valorem</i>.	..	..	..
74(b)	40 per cent <i>ad valorem</i>.	..	..	..
74(1)	40 per cent <i>ad valorem</i>.	..	..	..
74(2)	40 per cent <i>ad valorem</i>.	..	..	..

1	2	3	4	5	6	7
74(3)	40 per cent <i>ad valorem</i>.	..	..	..
74(4)	40 per cent <i>ad valorem</i>.	..	..	..
75	60 per cent <i>ad valorem</i>.	..	..	..
75(2)	60 per cent <i>ad valorem</i> .	52½ per cent <i>ad valorem</i>.	..	..
75(3)	60 per cent <i>ad valorem</i> .	52½ per cent <i>ad valorem</i>.	..	..
75(4)	60 per cent <i>ad valorem</i>.	..	..	..
75(5)(a)	90 per cent <i>ad valorem</i>.	..	..	..
75(5)(b)	100 per cent <i>ad valorem</i>.	..	..	..
75(6)(a)	90 per cent <i>ad valorem</i>.	..	..	..
75(6)(b)	100 per cent <i>ad valorem</i>.	..	..	..
75(7)(a)	50 per cent <i>ad valorem</i>.	..	..	..
75(7)(b)	100 per cent <i>ad valorem</i>.	..	..	..
75(7A)(a)	90 per cent <i>ad valorem</i>.	..	..	..
75(7A)(b)	100 per cent <i>ad valorem</i>.	..	..	..
75(8)(a)	90 per cent <i>ad valorem</i>.	..	..	..
75(8)(b)	100 per cent <i>ad valorem</i>.	..	..	..
75(9)	60 per cent <i>ad valorem</i>.	..	..	..
75(10)	60 per cent <i>ad valorem</i>.	..	..	..
75(11)	60 per cent <i>ad valorem</i>.	..	..	..
75(12)	60 per cent <i>ad valorem</i>.	..	..	..
75(12A)	60 per cent <i>ad valorem</i>.	..	..	..
75(13)	60 per cent <i>ad valorem</i> .	52½ per cent <i>ad valorem</i>.	..	..
75(14)	60 per cent <i>ad valorem</i>.	..	..	..
75(15)	60 per cent <i>ad valorem</i>.	..	..	..
75(16)	100 per cent <i>ad valorem</i>.	..	..	..
75(17)	100 per cent <i>ad valorem</i>.	..	..	..
75(18)(a)	40 per cent <i>ad valorem</i>.	..	..	..
75(18)(b)(i)	40 per cent <i>ad valorem</i>.	..	..	..
75(18)(b)(ii)	60 per cent <i>ad valorem</i>.	..	..	..
76	40 per cent <i>ad valorem</i>.	..	..	..
76(1)	40 per cent <i>ad valorem</i>.	..	..	..
76(2)	40 per cent <i>ad valorem</i>.	..	..	..
76(3)	60 per cent <i>ad valorem</i>.	..	..	..
77(2)(a)	60 per cent <i>ad valorem</i>.	..	..	..
77(2)(b)	60 per cent <i>ad valorem</i>.	..	..	..
77(3)	60 per cent <i>ad valorem</i> .	..	50 per cent <i>ad valorem</i> .	..
77(4)	60 per cent <i>ad valorem</i>.	..	..	..
77(5)	100 per cent <i>ad valorem</i> .	90 per cent <i>ad valorem</i>.	..	..
77(6)(a)	100 per cent <i>ad valorem</i>.	..	..	..
77(6)(b)	100 per cent <i>ad valorem</i>.	..	..	..
77(7)	100 per cent <i>ad valorem</i>.	..	..	..
78(1)	100 per cent <i>ad valorem</i>.	..	..	..
79	100 per cent <i>ad valorem</i>.	..	..	..
80(1)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(a)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(b)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(c)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(d)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(e)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(f)	100 per cent <i>ad valorem</i>.	..	..	..
80(2)(g)	100 per cent <i>ad valorem</i>.	..	..	..
80(4)	100 per cent <i>ad valorem</i>.	..	..	..
82	60 per cent <i>ad valorem</i>.	..	..	..
82(2)	100 per cent <i>ad valorem</i>.	..	..	..
82(3)	60 per cent <i>ad valorem</i>.	..	..	..
82(4)	60 per cent <i>ad valorem</i>.	..	..	..
82(5)	100 per cent <i>ad valorem</i>.	..	..	..
83	100 per cent <i>ad valorem</i>.	..	..	..
84(a)(i)	100 per cent <i>ad valorem</i>.	..	..	..
84(a)(ii)	100 per cent <i>ad valorem</i>.	..	..	..
84(b)	100 per cent <i>ad valorem</i>.	..	..	..
84(1)	60 per cent <i>ad valorem</i>.	..	..	..
85(c)	100 per cent <i>ad valorem</i>.	..	..	..
85(1)	100 per cent <i>ad valorem</i>.	..	..	..
86	100 per cent <i>ad valorem</i>.	..	..	..
86(1)	100 per cent <i>ad valorem</i>.	..	..	..

PART II

In the First Schedule to the Tariff Act,—

(a) after item No. 72, the following Item shall be inserted, namely:—

Item No.	Name of article	Nature of duty	Standard rate of duty	Preferential rate of duty if the article is the produce or manufacture of		Duration of protective rates of duty
				The United Kingdom	A British Colony	
	2	3	4	5	6	7
"72A.	(i) All items of— (a) machinery including prime-movers, (b) instruments, apparatus and appliances, (c) control gear and transmission equipment, (d) auxiliary equipment, as well as, all components (whether finished or not) or raw materials for the manufacture of the aforesaid items and their components, required for the initial setting up of a unit, or the substantial expansion of an existing unit, of a specified— (1) industrial plant, (2) irrigation project, (3) power project, (4) mining project, (5) project for the exploration for oil or other minerals, and (6) such other projects as the Central Government may, having regard to the economic development of the country, notify in the Official Gazette in this behalf: Provided these are imported (whether in one or in more than one consignment) against one or more specific contracts, which have been registered in advance of their importation, with the appropriate custom house in the manner prescribed by regulations which the Central Board of Excise and Customs may make under section 157 of the Customs Act, 1962 (52 of 1962); (ii) all spare parts, other raw materials (including semi-finished material), or consumable stores imported, as a part of a contract or contracts, registered in terms of sub-item (i), provided the total value of such spare parts, raw materials and consumable stores are up to such value as does not exceed ten per cent of the value of the goods covered by sub-item (i) and further provided that such spare parts, raw materials or consumable stores are essential for the maintenance of the plant or project mentioned in sub-item (i).	Revenue	40 per cent <i>ad valorem</i>.	..	..	..
"87A.	All dutiable articles imported by a	Revenue	100 per cent <i>ad valorem</i>.	..	..	..

(b) after Item No. 87, the following item shall be inserted, namely:—

1 2 3 4 5 6 7

passenger as baggage, even if specified elsewhere, but excluding the following articles, namely:—

- (i) Motor vehicles,
- (ii) betelnuts,
- (iii) alcoholic drinks and other preparations containing spirit, and
- (iv) tobacco, unmanufactured.

Assented to on 25-9-1965.

THE BANKING LAWS (APPLICATION TO CO-OPERATIVE SOCIETIES) ACT, 1965

ACT No. 23 OF 1965

AN ACT

furth^r to amend the Reserve Bank of India Act, 1934 and the Banking Companies Act, 1949 for the purpose of regulating the banking business of certain co-operative societies and for matters connected therewith.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

1. *Short title and commencement.*—(1) This Act may be called the Banking Laws (Application to Co-operative Societies) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

CHAPTER II

AMENDMENT OF THE RESERVE BANK OF INDIA ACT, 1934

2. *Amendment of section 2.*—In section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), (hereinafter in this Chapter referred to as the principal Act),—

- (i) clauses (a) and (aa) shall be re-lettered as clauses (ai) and (aii) respectively, and before clause (ai) as so re-lettered, the following clause shall be inserted, namely:—

“(a) “agricultural operations” includes animal husbandry and allied activities jointly undertaken with agricultural operations;”

- (ii) for clause (bb), the following clauses shall be substituted, namely:—

“(bi) “central co-operative bank” means the principal co-operative society in a district in a State, the primary object of which is the financing of other co-operative societies in that district;

Provided that in addition to such principal society in a district or where there is no such principal society in a district, the State Government may declare any one or more co-operative societies carrying on the business of financing other co-operative societies in that district to be a central co-operative bank or banks within the meaning of this definition;

(bii) “co-operative bank” means a State co-operative bank, a central co-operative bank and a primary co-operative bank;

(biii) “co-operative credit society” means a co-operative society, the primary object of which is to provide financial accommodation to its members and includes a co-operative land mortgage bank;

(biv) “co-operative society” means a society registered, or deemed to be registered, under the Co-operative Societies Act, 1912 (2 of 1912) or any other law relating to co-operative societies for the time being in force in any State;

(bv) “crops” includes products of agricultural operations;”

- (iii) clauses (bbh) and (bbhh) shall be re-lettered as clauses (bvi) and (bvii) respectively, and after clause (bvii) as so re-lettered, the following clause shall be inserted, namely:—

“(bviii) “director”, in relation to a co-operative society, includes a member of any committee or body for the time being vested with the management of the affairs of that society;”

- (iv) after clause (c), the following clauses shall be inserted, namely:—

“(ci) “marketing of crops” includes the processing of crops prior to marketing by agricultural producers or any organization of such producers;

(cii) “primary agricultural credit society” means a co-operative society,—

- (1) the primary object or principal business of which is to provide financial accommodation to its members for agricultural purposes or for purposes connected with agricultural activities (including the marketing of crops); and

(2) the bye-laws of which do not permit admission of any other co-operative society as a member;

(ciii) “primary co-operative bank” means a co-operative society, other than a primary agricultural credit society,—

(1) the primary object or principal business of which is the transaction of banking business;

(2) the paid-up share capital and reserves of which are not less than one lakh of rupees; and

(3) the bye-laws of which do not permit admission of any other co-operative society as a member;

(civ) “primary credit society” means a co-operative society, other than a primary agricultural credit society,—

(1) the primary object or principal business of which is the transaction of banking business;

(2) the paid-up share capital and reserves of which are less than one lakh of rupees; and

(3) the bye-laws of which do not permit admission of any other co-operative society as a member.

Explanation.—If any dispute arises as to the primary object or principal business of any co-operative society referred to in this clause or clause (cii) or clause (ciii), a determination thereof by the Bank shall be final;—

(v) clause (ee) shall be re-lettered as clause (ei);

(vi) in clause (f), for the words beginning with “the principal society” and ending with “are deemed to be so registered”, the words “the principal co-operative society in a State, the primary object of which is the financing of other co-operative societies in the State” shall be substituted.

3. Amendment of section 10.—In section 10 of the principal Act, for clause (e) of sub-section (1), the following clause shall be substituted, namely:—

“(e) is a director of a banking company within the meaning of clause (c) of section 5 of the Banking Companies Act, 1949 (10 of 1949), or of a co-operative bank.”

4. Amendment of section 17.—In section 17 of the principal Act, in clause (2), *Explanation* to sub-clause (b) shall be omitted.

5. Amendment of section 18.—In section 18 of the principal Act, in clause (3) of sub-section (1), after the words and figures “the Banking Companies Act, 1949”, the words “or to a State co-operative bank or, on the recommendation of the State co-operative bank, to any other co-operative bank” shall be inserted.

6. Amendment of section 42.—In section 42 of the principal Act,—

(i) in sub-section (1), for clause (c) of the *Explanation*, the following clause shall be substituted, namely:—

“(c) “liabilities” shall not include,—

(i) the paid-up capital or the reserves or any credit balance in the profit and loss account of the bank.

(ii) the amount of any loan taken from the Bank, or from the Development Bank or from the Agricultural Refinance Corporation or from the State Bank or from any other bank notified by the Central Government in this behalf, and

(iii) in the case of a State co-operative bank, also any loan taken by such bank from a State Government and any deposit of money with such bank representing the reserve fund or any part thereof required to be maintained with it by any co-operative society within its area of operation;—

(ii) in sub-section (6), in sub-clause (iii) of clause (a), for the words “is a company”, the words “is a state co-operative bank or a company” shall be substituted.

7. Omission of section 44.—Section 44 of the principal Act shall be omitted.

8. Amendment of section 45 H.—In section 45H of the principal Act, after the words and figures “section 51 of the Act”, the words “or a co-operative bank or a primary agricultural credit society or a primary credit society” shall be inserted.

9. Amendment of section 45 I.—In section 45I of the principal Act, in clause (e), after the word “corporation”, the words “co-operative society” shall be inserted.

CHAPTER III

AMENDMENT OF THE BANKING COMPANIES ACT, 1949

10. Amendment of long title and preamble.—In the

Banking Companies Act, 1949 (10 of 1949) (hereinafter in this Chapter referred to as the principal Act), in the long title and in the preamble, the word “companies” shall be omitted.

11. Amendment of section 1.—(1) In section 1 of the principal Act, in sub-section (1), for the word “Companies”, the word “Regulation” shall be substituted.

(2) Any reference to the Banking Companies Act, 1949 (10 of 1949) in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Banking Regulation Act, 1949.

12. Substitution of new section for section 3.—For section 3 of the principal Act, the following section shall be substituted, namely:—

“3. Act to apply to co-operative societies in certain cases.—Nothing in this Act shall apply to—

(a) a primary agricultural credit society;

(b) a co-operative land mortgage bank; and

(c) any other co-operative society, except in the manner and to the extent specified in Part V.”

13. Amendment of section 18.—In section 18 of the principal Act, in clause (b) of the *Explanation*, for the words “the Refinance Corporation for Industry Limited”, the words “the Industrial Development Bank of India or from the Agricultural Refinance Corporation” shall be substituted.

14. Insertion of new Part V.—In the principal Act, after Part IV, the following Part shall be inserted, namely:—

PART V

APPLICATION OF THE ACT TO CO-OPERATIVE BANKS

56. Act to apply to co-operative societies subject to modifications.—The provisions of this Act, as in force for the time being, shall apply to, or in relation to, co-operative societies as they apply to, or in relation to, banking companies subject to the following modifications, namely:—

(a) Throughout this Act, unless the context otherwise requires,—

(i) references to a “banking company” or “the company” or “such company” shall be construed as references to a co-operative bank;

(ii) references to “commencement of this Act” shall be construed as references to commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965;

(b) in section 2, the words and figures “the Companies Act, 1956, and” shall be omitted;

(c) in section 5,—

(i) after clause (cc), the following clause shall be inserted, namely:—

“(ccc) “central co-operative bank”, “co-operative bank”, “co-operative society” “director”, “primary agricultural credit society”, “primary co-operative bank”, “primary credit society” and “State co-operative bank” shall have the meanings respectively assigned to them in the Reserve Bank of India Act, 1934 (2 of 1934);—

(ii) clauses (ff) and (h) shall be omitted;

(d) for section 5A, the following section shall be substituted, namely:—

“5A. Act to override bye-laws, etc.—(1) The

provisions of this Part shall have effect, notwithstanding anything to the contrary contained in the bye-laws of a co-operative society, or in any agreement executed by it, or in any resolution passed by it in general meeting, or by its Board of directors or other body entrusted with the management of its affairs, whether the same be registered, executed or passed, as the case may be, before or after the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965.

- (2) Any provision contained in the bye-laws, agreement or resolution aforesaid shall, to the extent to which it is repugnant to the provisions of this Part, become or be void, as the case may be.”;
- (e) in section 6, in sub-section (1),—
- in clause (b), the words, “but excluding the business of a managing agent or secretary and treasurer of a company” shall be omitted;
 - in clause (d), after the word “company”, the words “co-operative society,” shall be inserted;
 - in clause (m), after the word “company”, the words “or co-operative society” shall be inserted;
- (f) for section 7, the following section shall be substituted, namely:—
- ‘7. Use of word “Bank” “Banker” or “Banking”.—**
- No co-operative society other than a co-operative bank shall use as part of its name any of the words “bank”, “banker” or “banking” and no co-operative society shall carry on the business of banking in India unless it uses as part of its name at least one of such words.
 - Nothing in this section shall apply to—
 - a primary credit society, or
 - a co-operative society formed for the protection of the mutual interests of co-operative banks or co-operative land mortgage banks.”;

(g) section 10 shall be omitted;

(h) for section 11, the following section shall be substituted, namely:—

‘11. Requirement as to minimum paid-up capital and reserves.—(1) Notwithstanding any law relating to co-operative societies for the time being in force, no co-operative bank shall commence or carry on the business of banking in India unless the aggregate value of its paid-up capital and reserves is not less than one lakh of rupees:

Provided that nothing in this sub-section shall apply to

- any such bank which is carrying on such business at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, for a period of three years from such commencement; or
- to a primary credit society which becomes a primary co-operative bank after such commencement, for a period of two years from the date it so becomes a primary co-operative bank or for such further period not exceeding one year as the

Reserve Bank, having regard to the interests of the depositors of the primary co-operative bank, may think fit in any particular case to allow.

(2) For the purposes of this section, “value” means the real or exchangeable value and not the nominal value which may be shown in the books of the co-operative bank concerned.

(3) If any dispute arises in computing the aggregate value of the paid-up capital and reserves of any such co-operative bank, a determination thereof by the Reserve Bank shall be final for the purposes of this section.”;

(i) sections 12, 12A, 13 and 15 to 17 shall be omitted;

(j) for section 18, the following section shall be substituted, namely:—

‘18. Cash reserve.—Every co-operative bank, not being a State co-operative bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934), shall maintain in India, by way of cash reserve with itself or in current account opened with the Reserve Bank or the State Bank of India or the State co-operative bank of the State concerned or with any other bank notified by the Central Government in this behalf or, in the case of a primary co-operative bank, with the central co-operative bank of the district concerned or partly in cash with itself and partly in such account or accounts, a sum equivalent to at least three per cent of the total of its time and demand liabilities in India, and shall submit to the Reserve Bank before the 15th day of every month a return showing the amount so held on Friday of each week of the preceding month with particulars of its time and demand liabilities in India on each such Friday, or, if any such Friday is a public holiday under the Negotiable Instruments Act, 1881 (26 of 1881), at the close of business on the preceding working day.

Explanation.—In this section and section 24, “liabilities in India” shall not include,—

- the paid-up capital or the reserves or any credit balance in the profit and loss account of the co-operative bank;
- any advance taken from a State Government, the Reserve Bank, the State Bank of India, the Industrial Development Bank of India, the Agricultural Refinance Corporation or any bank notified by the Central Government under clause (c) of the Explanation to sub-section (1) of section 42 of the Reserve Bank of India Act, 1934 (2 of 1934);
- in the case of a central co-operative bank, also any advance taken by it from the State co-operative bank of the State concerned and any deposit of money with it representing the reserve fund or any part thereof required to be maintained with it by any other co-operative society within the area of its operation;
- in the case of a primary co-operative bank, also any advance taken by it from the State co-operative bank of the State concerned or the central co-operative bank of the district concerned.”;
- for section 19, the following section shall be substituted, namely:—

‘19. Restriction on holding shares in other co-operative societies.—No co-operative bank

shall hold shares in any other co-operative society except to such extent and subject to such conditions as the Reserve Bank may specify in that behalf:

Provided that nothing contained in this section shall apply to—

- (i) shares acquired through funds provided by the State Government for that purpose;
- (ii) in the case of a central co-operative bank, the holding of shares in the state co-operative bank to which it is affiliated;
- (iii) in the case of a primary co-operative bank, the holding of shares in the central co-operative bank to which it is affiliated or in the state co-operative bank of the State in which it is registered:

Provided further that where any shares are held by a co-operative bank in contravention of this section at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, the co-operative bank shall without delay report the matter to the Reserve Bank and shall, notwithstanding anything contained in this section, be entitled to hold the shares for such period and on such conditions as the Reserve Bank may specify.”;

(l) in section 20, in sub-section (1),—

(i) the words and figures “Notwithstanding anything to the contrary contained in section 77 of the Companies Act, 1956 (1 of 1956),” shall be omitted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in clause (b) shall apply to the grant of unsecured loans or advances—

(a) made by a co-operative bank—

(i) against bills for supplies or services made or rendered to Government or bills of exchange arising out of *bona fide* commercial or trade transactions, or

(ii) in respect where of trust-receipts are furnished to the co-operative bank;

(b) made by a primary co-operative bank to any of its directors within such limits and on such terms and conditions as may be approved by the Reserve Bank in this behalf.”;

(m) in section 20A, in sub-section (1), the words and figures “Notwithstanding anything to the contrary contained in section 293 of the Companies Act, 1956 (1 of 1956),” shall be omitted:

(n) in section 21, in sub-section (2), in clauses (c) and (d), for the words “any lone company, firm, association of persons or individual”, the words “any one party” shall be substituted;

(o) in section 22,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Save as hereinafter provided, no co-operative society shall carry on banking business in India unless—

(a) it is a primary credit society, or

(b) it is a co-operative bank and holds a licence issued in that behalf by the Reserve Bank, subject to such conditions, if any, as the Reserve Bank may deem fit to impose:

Provided that nothing in this sub-section shall apply to a co-operative society, not being a primary credit society or a co-operative bank carrying on banking business at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, for a period of one year from such commencement.

(2) Every co-operative society carrying on business as a co-operative bank at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, shall before the expiry of three months from such commencement, every primary credit society which becomes a primary co-operative bank after such commencement shall before the expiry of three months from the date on which it so becomes a primary co-operative bank and every co-operative society other than a primary credit society shall before commencing banking business in India, apply in writing to the Reserve Bank for a licence under this section:

Provided that nothing in clause (b) of sub-section (1) shall be deemed to prohibit a co-operative society carrying on business as a co-operative bank at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, and a primary credit society which becomes a primary co-operative bank after such commencement, from carrying on banking business until it is granted a licence in pursuance of this section or is by notice in writing informed by the Reserve Bank that a licence cannot be granted to it.”;

(ii) in sub-section (3), clause (c) shall be omitted;

(p) in section 23, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Without obtaining the prior permission of the Reserve Bank, no co-operative bank shall open a new place of business or change otherwise than within the same city, town or village, the location of an existing place of business:

Provided that nothing in this sub-section shall apply to—

(a) the opening for a period not exceeding one month of a temporary place of business within a city, town or village or the environs thereof within which the co-operative bank already has a place of business, for the purpose of affording banking facilities to the public on the occasion of an exhibition, a conference or a *mela* or any other like occasion;

(b) the opening of branches by a central co-operative bank within the area of its operation.”;

(q) in section 24,—

(i) in sub-section (1), the words “After the

expiry of two years from the commencement of this Act," shall be omitted;

- (ii) for sub-sections (2) and (2A), the following sub-sections shall be substituted, namely:—

"(2) In computing the amount for the purposes of sub-section (1),—

- (a) any balances maintained in India by a co-operative bank in current account with the Reserve Bank or the State Bank of India or with any other bank which may be notified in this behalf by the Central Government, including in the case of a State co-operative bank, the balance required under section 42 of the Reserve Bank of India Act, 1934 (2 of 1934) to be so maintained,
- (b) any balances maintained by a central co-operative bank with the State co-operative bank of the State concerned, and
- (c) any balances maintained by a primary co-operative bank with the central co-operative bank of the district concerned or with the State co-operative bank of the State concerned,

shall be deemed to be cash maintained in India.

(2A) (a) Notwithstanding anything contained in sub-section (1) or in sub-section (2), after the expiry of two years from the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, or of such further period not exceeding one year as the Reserve Bank, having regard to the interests of the co-operative bank concerned, may think fit in any particular case to allow,—

- (i) a State co-operative bank, in addition to the average daily balance which it is, or may be, required to maintain under section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), and

- (ii) every other co-operative bank, in addition to the cash reserve which it is required to maintain under section 18,

shall maintain in India in cash, gold or unencumbered approved securities, valued at a price not exceeding the current market price, an amount which shall not at the close of business on any day be less than twenty-five per cent of the total of its demand and time liabilities in India;

- (b) in computing the amount for the purposes of clause (a),—

- (i) any cash or balances maintained in India by a co-operative bank, other than a State co-operative bank, with itself or in current account with the Reserve Bank or the State Bank of India or the State co-operative bank of the State concerned or with any other bank which may be notified in this behalf by the Central Government and, in the case of a primary co-operative bank, also any balances maintained with the central co-operative bank of the district concerned, in excess of the aggregate of the cash or balance or both required to be maintained under section 18, and

- (ii) any balance maintained by a State co-operative bank with the Reserve Bank in excess of the balance required to be maintained by it under section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), and any balances maintained by a State co-operative bank with the State Bank

of India or with any other bank which may be notified in this behalf by the Central Government,

shall be deemed to be cash maintained in India.";

- (r) section 25 shall be omitted;

- (s) for sections 29 and 30, the following section shall be substituted, namely:—

"29. *Accounts and balance-sheet.*—(1) At the expiration of each year ending with the 30th day of June, every co-operative bank, in respect of all business transacted by it, shall prepare with reference to that year a balance-sheet and profit and loss account as on the last working day of the year in the Forms set out in the Third Schedule or as near thereto as circumstances admit,

- (2) The balance-sheet and profit and loss account shall be signed by the manager or the principal officer of the bank and where there are more than three directors of the bank, by at least three of those directors, or where there are not more than three directors, by all the directors.

- (3) The Central Government, after giving not less than three month's notice of its intention so to do by a notification in the Official Gazette, may from time to time by a like notification amend the Forms set out in the Third Schedule";

- (t) in section 31, for the words "within three months" and "of three months", the words "within six months" and "of six months" shall respectively, be substituted;

- (u) sections 32 to 34 shall be omitted;

- (v) in section 34A, sub-section (3) shall be omitted;

- (w) in section 35,—

- (i) in sub-section (1),—

- (a) for the words and figures "section 235 of the Companies Act, 1956 (1 of 1956)", the words "any law relating to co-operative societies for the time being in force" shall be substituted;

- (b) the following proviso shall be inserted at the end, namely:—

"Provided that the Reserve Bank may, if it considers necessary or expedient so to do, cause an inspection to be made of a primary co-operative bank under this sub-section by one or more officers of a State co-operative bank in the State, in which such primary co-operative bank carries on business.";

- (ii) in sub-section (4), clause (b) shall be omitted.

- (iii) the *Explanation* shall be omitted;

- (x) in section 35A, in sub-section (1), in clause (c) for the words "any banking company", the words "the banking business of any co-operative bank" shall be substituted;

- (y) section 35B shall be omitted;

- (z) in section 36, in sub-section (1), clauses (b) and (a) shall be omitted;

- (za) in section 36A,—

- (i) for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) The provisions of section 11, section 18 and section 24 shall not apply to a

co-operative bank which has been refused a licence under section 22 or whose licence has been cancelled under that section or which is or has been prohibited or precluded from accepting deposits by virtue of any order made under this Act or of any alteration made in its bye-laws.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Subject to the provisions of sub-sections (1) and (2), a co-operative society carrying on business as a primary co-operative bank at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965, or a co-operative society which becomes a primary co-operative bank after such commencement shall, notwithstanding that it does not at any time thereafter satisfy the requirements of the definition of primary co-operative bank in clause (ccc) of section 5, continue to be a primary co-operative bank within the meaning of this Act, and may, with the approval of the Reserve Bank and subject to such terms and conditions as the Reserve Bank may specify in that behalf, continue to carry on the business of banking.”;

(zb) Part IIA, Part III, except sub-section (1), (2) and (3) of section 45, and Part IIIA except section 45W shall be omitted;

(zc) in section 46, in clause (a) of the *Explanation* after the words “includes a”, the words “co-operative society,” shall be inserted;

(zd) in section 47, the words, brackets, figures and letters “sub-section (5) of section 36AA or” shall be omitted;

(zl) for the Third Schedule and the Fourth Schedule the following Schedule shall be substituted, namely:—

“THE THIRD SCHEDULE”

(See section 29)

FORM A

FORM OF BALANCE-SHEET

(ze) section 49 shall be omitted;

(zf) in section 49A, for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing contained in this section shall apply to—

(a) a primary credit society,

(b) any other co-operative society accepting such deposits at the commencement of the Banking Laws (Application to Co-operative Societies) Act, 1965 for a period of one year from the date of such commencement; and

(c) any savings bank scheme run by the Government.”;

(zg) sections 49B and 49C shall be omitted;

(zh) in section 50, the figures and letters “10, 12A, 16,” “35B”, and “43A” shall be omitted;

(zi) section 51 shall be omitted;

(zj) in section 52,—

(i) in sub-section (2) the words, figures and letter “and the form in which the official liquidator may file lists of debtors to the Court having jurisdiction under Part III or Part IIIA and the particulars which such lists may contain” shall be omitted;

(ii) sub-section (4) shall be omitted;

(zk) for section 55 and the First Schedule, the following section shall be substituted, namely:—

“55. Act 18 of 1891 and Act. 46 of 1949 to apply in relation to co-operative banks.—(1) The Bankers’ Books Evidence Act, 1891 shall apply in relation to a co-operative bank as it applies in relation to a bank as defined in section 2 of that Act.

(2) The Banking Companies (Legal Practitioners’ Clients’ Accounts) Act, 1949 shall apply in relation to a co-operative bank as it applies in relation to a banking company as defined in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

in section 2 of that Act.”;

CAPITAL AND LIABILITIES

PROPERTY AND ASSETS

	Rs.	P.	Rs.	P.		Rs.	P.	Rs.	P.
I. CAPITAL:					1. CASH:				
(i) Authorised Capital					In hand and with Reserve Bank, State Bank of India, State co-operative bank and central co-operative bank				
..... Shares of Rs. each									
..... Shares of Rs. each									
(ii) Subscribed Capital					2. BALANCES WITH OTHER BANKS:				
..... Shares of Rs. each					(i) Current deposits				
..... Shares of Rs. each					(ii) Savings bank deposits				
(iii) Amount called up					(iii) Fixed deposits				
On Shares at Rs. each less calls unpaid					3. MONEY AT CALL AND SHORT NOTICE				
On Shares at Rs. each less calls unpaid					4. INVESTMENTS:				
Of (iii) above, held by					(i) In Central and State Government securities (at book value)				
(a) Individuals					Face value Rs.				
(b) Co-operative institutions					Market value Rs.				
(c) State Government					(ii) Other Trustee securities				
					(iii) Shares in co-operative institutions other than in item (5) below				

CAPITAL AND LIABILITIES			PROPERTY AND ASSETS		
	Rs.	P.		Rs.	P.
2. RESERVE FUND AND OTHER RESERVES:			(iv) Other investments (to be specified)		
(i) Statutory Reserve ..					
(ii) Agricultural (Credit Stabilization Fund) ..					
(iii) Building Fund ..					
(iv) Dividend Equalization Fund ..			5. INVESTMENTS OUT OF THE PRINCIPAL SUBSIDIARY STATE PARTNERSHIP FUND:		
(v) Special Bad Debts Reserve ..			In shares of:		
(vi) Bad and Doubtful Debts Reserve ..			(i) Central co-operative banks ..		
(vii) Investment Depreciation Reserve ..			(ii) Primary agricultural credit societies ..		
(viii) Other Funds and Reserves (to be specified) ..			(iii) Other societies ..		
3. PRINCIPAL/SUBSIDIARY STATE PARTNERSHIP FUND ACCOUNT:			6. ADVANCES†*		
For share capital of:			(i) Short-term loans, cash credits, overdrafts and bills discounted ..		
(i) Central co-operative banks ..			Of which secured against:		
(ii) Primary agricultural credit societies ..			(a) Government and other approved securities ..		
(iii) Other societies ..			(b) Other tangible securities@ ..		
4. DEPOSITS AND OTHER ACCOUNTS:			Of the advances, amount due from individuals ..		
(i) Fixed deposits* ..			Of the advances, amount overdue ..		
(a) Individuals** ..			Considered bad and doubtful of recovery ..		
(b) Central co-operative banks ..			(ii) Medium-term loans ..		
(c) Other societies ..			Of which secured against:		
(ii) Savings Bank Deposits ..			(a) Government and other approved securities ..		
(a) Individuals** ..			(b) Other tangible securities@ ..		
(b) Central co-operative banks ..			Of the advances, amount due from individuals ..		
(c) Other societies ..			Of the advances, amount overdue:		
(iii) Current deposits ..			Considered bad and doubtful of recovery ..		
(a) Individuals** ..			(iii) Long term loans ..		
(b) Central co-operative banks ..			Of which secured against:		
(c) Other societies ..			(a) Government and other approved securities ..		
(iv) Money at call and short notice ..			(b) Other tangible securities@ ..		
5. BORROWINGS†			Of the advances, amount due from individuals ..		
(i) From the Reserve Bank of India/State/Central co-operative bank:			Of the advances, amount overdue ..		
(a) Short-term loans, cash credits and overdrafts ..			Considered bad and doubtful of recovery ..		
Of which secured against:			(iii) Long term loans ..		
(A) Government and other approved securities ..			Of which secured against:		
(B) Other tangible securities@ ..			(a) Government and other approved securities ..		
(b) Medium-term loans of which secured against:			(b) Other tangible securities@ ..		
(A) Government and other approved securities ..			Of the advances, amount due from individuals ..		
(B) Other tangible securities@ ..			Of the advances, amount overdue ..		
(c) Long term loans ..			Considered bad and doubtful of recovery ..		
Of which secured against:			7. INTEREST RECEIVABLE ..		
(A) Government and other approved securities ..			Of which the overdue ..		
(B) Other tangible securities@ ..					

PROPERTY AND ASSETS

[illegible]

CAPITAL AND LIABILITIES

PROPERTY AND ASSETS

				Rs.	P.	Rs.	P.
Add profit for the year brought from the Profit and Loss Account ..							
TOTAL ..						TOTAL ..	
CONTINGENT LIABILITIES							
*(i) Outstanding liabilities for guarantees issued ..							
(ii) Others ..							
TOTAL ..							

NOTES

*"Fixed deposits" will include reserve fund deposits of societies, employees provident fund deposits, staff security deposits, recurring deposits, cash certificates, etc.

**Under the item "individuals" deposits for institutions other than co-operative banks and societies may be included.

†"Borrowings;" and "Advances".—Short-term loans will be for periods up to 15 months, medium-term loans from 15 months to 5 years and long-term loans over 5 years.

@"Other tangible security" will include borrowings against gold and gold ornaments, repledge of goods, mortgage of land, etc.

General Instructions.—The corresponding figures (to the nearest rupee, if so desired) for the year immediately preceding the year to which the balance-sheet relates should be shown in separate columns.

FORM B

FORM OF PROFIT AND LOSS ACCOUNT

Profit and loss account for the year ended.....

EXPENDITURE

INCOME

	Rs.	P.	Rs.	P.		Rs.	P.	Rs.	P.
1. Interest on deposits, borrowings, etc. ..					1. Interest and discount ..				
2. Salaries and allowances and provident fund ..					2. Commission, exchange and brokerage ..				
3. Directors' and local committee members' fees and allowances ..					3. Subsidies and donations ..				
4. Rent, taxes, insurance, lighting, etc. ..					4. Income from non-banking assets and profit from sale of or dealing with such assets ..				
5. Law charges ..					5. Other receipts ..				
6. Postage, telegrams and telephone charges ..					6. Loss (if any) ..				
7. Auditor's fees ..									
8. Depreciation on and repairs to property ..									
9. Stationery, printing and advertisement, etc. ..									
10. Loss from sale of or dealing with non-banking assets ..									
11. Other expenditure ..									
12. Balance of profit ..									
TOTAL ..					TOTAL ..				

General Instructions.—The corresponding figures (to the nearest rupee, if so desired) for the year immediately preceding the year to which the profit and loss account relates should be shown in separate columns".

Assented to on 12-11-1965

THE PRESS COUNCIL ACT, 1965
(Act No. 34 of 1965)

AN
ACT

to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers in India.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and extent.*—(1) This Act may be called the Press Council Act, 1965.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
2. *Definitions.*—In this Act, unless the context otherwise requires,—
 - (a) “Chairman” means the Chairman of the Council;
 - (b) “Council” means the Press Council of India established under section 3;
 - (c) “member” means a member of the Council and includes its Chairman;
 - (d) “prescribed” means prescribed by rules made under this Act;
 - (e) the expressions “editor” and “newspaper” have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867 (25 of 1867), and the expression “working journalist” has the meaning assigned to it in the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1956 (45 of 1955).

CHAPTER II

ESTABLISHMENT OF THE PRESS COUNCIL

3. *Incorporation of the Council.*—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India.
- (2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.
4. *Composition of the Council.*—(1) The Council shall consist of a Chairman and twenty-five other members.
- (2) The Chairman shall be a person nominated by the Chief Justice of India.
- (3) The other members shall be chosen as follows:—
 - (a) thirteen members from among the working journalists, of whom not less than six shall be editors of newspapers who do not own or carry on the business of management of newspapers, so however that the number of editors of newspapers published in Indian languages shall not be less than three;
 - (b) six members from among persons who own or carry on the business of management of newspapers;
 - (c) three members from among persons having special knowledge or experience in the field of education, science, literature, law or culture;
 - (d) three members, of whom two shall be from among the members of the House of the People and one from among the members of the Council of States.

(4) The two members to be chosen from among the members of the House of the People shall be nominated by the Speaker thereof and the one to be chosen from among the members of the Council of States shall be nominated by the Chairman thereof; and save as aforesaid, all the other members referred to in sub-section (3) shall be nominated by a Committee consisting of the Chief Justice of India, the Chairman of the Council and a person to be appointed by the President of India, and in making any such nomination, the Committee shall have due regard to the consideration that not more than one person interested in any newspaper or any group of newspaper, under the same control or management should be nominated to represent any of the categories referred to in clause (a) or clause (b) of that sub-section.

(5) Before making any nomination under clause (a) or clause (b) of sub-section (3), the Committee referred to in sub-section (4) shall, in the prescribed manner, invite panels of names from all such associations of persons of the categories referred to in the said clause (a) or clause (b) as may be notified in this behalf by the Council and in making any such nomination the Committee shall have due regard to the panels of names forwarded to it:

Provided that, until the Council is established, such associations shall be notified by the Central Government.

(6) Before making any nomination under clause (c) of sub-section (3), the Committee shall consult such associations or persons as it thinks fit.

(7) The names of persons nominated under this section shall be forwarded to the Central Government and shall be notified by that Government in the Official Gazette, and every appointment so made under this section shall take effect from the date on which it is so notified.

5. *Term of office and retirement of members.*—(1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years.

(2) Where a person chosen as a member under clause (a) or clause (b) of sub-section (3) of section 4 is censured under the provisions of sub-section (1) of section 13, he shall cease to be a member of the Council.

(3) The term of office of a member chosen under clause (d) of sub-section (3) of section 4 shall come to an end as soon as he ceases to be a member of the House from which he was chosen.

(4) The Chairman may resign his office by giving notice in writing to the Central Government and any other member may resign his office by giving notice in writing to the Chairman; and upon such resignation being accepted by the Central Government or, as the case may be, the Chairman, he shall be deemed to have vacated his office.

(5) A casual vacancy arising under sub-section (2) or sub-section (3) or sub-section (4) or otherwise shall be filled by fresh appointment and a member so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(6) Every fresh appointment to fill a casual vacancy or a vacancy caused by the retirement of a member shall be made from the same category of persons to which the member in whose place the appointment is to be made belonged, and every such appointment shall be made by the same authority by which and in the same manner in which, that member was appointed.

(7) A retiring member shall be eligible for re-appointment:

Provided that no member shall hold office for a period exceeding six years in the aggregate and on the expiry of such period he shall cease to be a member.

6. *Conditions of service of members.*—(1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meetings of the Council, as may be prescribed.

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

7. *Meetings of the Council.*—The Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

8. *Committees of the Council.*—For the purpose of performing its functions under this Act, the Council may constitute from amongst its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Council.

9. *Vacancies amongst members or defect in the constitution not to invalidate acts and proceedings of the Council.* No act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

10. *Staff of the Council.*—(1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.

(2) The terms and conditions of service of the employees shall be such as may be determined by regulations made with the prior approval of the Central Government.

11. *Authentication of orders and other instruments of the Council.* All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

12. *Objects and functions of the Council.*—(1) The object of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers in India.

(2) The Council may, in furtherance of its object, perform the following functions, namely:—

- (a) to help newspapers to maintain their independence;
- (b) to build up a code of conduct for newspapers and journalists in accordance with high professional standards;
- (c) to ensure on the part of newspapers and journalists the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;
- (f) to encourage the growth of a sense of responsibility and public service among all those engaged in the

profession of journalism;

- (e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance.
- (f) to keep under review such cases of assistance received by any newspaper or news agency in India from foreign sources, as are referred to it by the Central Government;

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from foreign sources, in any other manner it thinks fit;

- (g) to promote the establishment of such common service for the supply and dissemination of news to newspapers as may, from time to time, appear to it to be desirable;
- (h) to provide facilities for the proper education and training of persons in the profession of journalism;
- (i) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers;
- (j) to study developments which may tend towards monopoly or concentration of ownership of newspapers, including a study of the ownership or financial structure of newspapers, and if necessary, to suggest remedies therefor;
- (k) to promote technical or other research;
- (l) to do such other acts as may be incidental or conducive to the discharge of the above functions.

13. *Power to censure.*—(1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, censure the newspaper, the editor or journalist, as the case may be.

(2) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(3) The decision of the Council under sub-section (1), shall be final and shall not be questioned in any court of law.

14. *General powers of the Council.*—(1) For the purpose of performing its functions under this Act, the Council may require the publisher of any newspaper to furnish to it information on such points or matters as it may deem necessary.

(2) While holding any inquiry under this Act, the Council shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

15. Payments to the Council.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of the functions of the Council under this Act.

16. Fund of the Council.—(1) The Council shall have its own Fund; and all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council.

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

17. Budget.—The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government.

18. Annual report.—The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and factors affecting them, and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

19. Accounts and audit.—The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

CHAPTER IV

MISCELLANEOUS

20. Protection of action taken in good faith.—(1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

21. Members, etc., to be public servants.—Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

22. Power to make rules.—(1) The Central Government may, by notification, make rules to carry out the purposes of this Act:

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which panels of names may be invited under sub-section (5) of section 4;

(b) the allowances or fees to be paid to the members of the Council for attending meetings of the Council, and other conditions of service of such members;

(c) the appointment of the Secretary and other employees of the Council;

(d) the form in which, and the time within which, the budget and annual report are to be prepared by the Council;

(e) the manner in which the accounts of the Council are to be maintained and audited.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. Power to make regulations.—The Council may make regulations not inconsistent with this Act and the rules made thereunder, for—

(a) regulating the meetings of the Council and the procedure for conducting business thereat;

(b) specifying the terms and conditions of service of the employees appointed by the Council;

(c) regulating the manner of holding any inquiry under this Act:

Provided that the regulations made under clause (b) shall be made with the prior approval of the Central Government.

Assented to on 19-11-1965

THE INDUSTRIAL DISPUTES (AMENDMENT)

ACT, 1965

(Act No. 35 of 1965)

AN

ACT

further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. Short title and commencement. (1) This Act may be called the Industrial Disputes (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the principal Act),—

(i) in sub-clause (i) of clause (a), after the words and figures "Employees' State Insurance Act, 1948 (34 of 1948), or", the words and figures "the "Indian Airlines" and "Air-India" Corporations established under section 3 of the Air Corporations Act, 1953 (27 of 1953), or" shall be inserted;

(ii) in clause (p), before the words "the appropriate Government", the words "an officer authorised in this behalf by" shall be inserted.

3. Insertion of new section 2A.—After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. *Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.*—Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute."

4. *Amendment of section 12.*—In section 12 of the principal Act, in sub-section (3), after the words "the appropriate Government", the words "or an officer authorised in this behalf by the appropriate Government" shall be inserted.

5. *Substitution of new section for section 25C.*—For section 25C of the principal Act, the following section shall be substituted, namely:—

"25C. *Right of workmen laid off for compensation.*—

Whenever a workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid off, whether continuously or intermittently, he shall be paid by the employer for all days during which he is so laid off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid off:

Provided that if during any period of twelve months, a workman is so laid off for more than forty-five days, no such compensation shall be payable in respect of any period of the lay off after the expiry of the first forty-five days, if there is an agreement to that effect between the workman and the employer:

Provided further that it shall be lawful for the employer in any case falling within the foregoing proviso to retrench the workman in accordance with the provisions contained in section 25F at any time after the expiry of the first forty-five days of the lay off and when he does so, any compensation paid to the workman for having been laid off during the preceding twelve months may be set off against the compensation payable for retrenchment.

Explanation.—"Badli workman" means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment."

6. *Amendment of section 29.*—In section 29 of the principal Act, after the words "which may extend to six months, or with fine, or with both", the words "and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first" shall be inserted.

Assented to on 27-11-1965

THE DELHI MOTOR VEHICLES TAXATION
(AMENDMENT) ACT, 1965
(Act No. 36 of 1965)

AN
ACT

to amend the Delhi Motor Vehicles Taxation Act, 1962.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Delhi Motor Vehicles Taxation (Amendment) Act, 1965.

2. *Substitution of new section for section 20.*—For section 20 of the Delhi Motor Vehicles Taxation Act, 1962 (57 of 1962), (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"20. *Utilization of the proceeds of tax.*—The proceeds of the tax collected under this Act, (which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government shall, if Parliament by appropriation made by law in this behalf so provides, be paid to—

(i) the Municipal Corporation of Delhi established under section 3 of the Delhi Municipal Corporation Act, 1957 (66 of 1957);

(ii) the New Delhi Municipal Committee established under section 11 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911), as extended to Delhi; and

(iii) the Cantonment Board, Delhi, constituted under the Cantonments Act, 1924 (2 of 1924),

for the performance of their respective functions under the said Acts and the payment shall be made in such proportion as may be prescribed."

3. *Amendment of Schedule I.*—In Part A of Schedule I to the principal Act, in item III, for sub-item (h), the following sub-item shall be substituted, and shall be deemed always to have been substituted, namely:—

<p>"(h) Vehicles the registered laden weight of which exceeds 10 tonnes.</p>	<p>The rate specified in (g) above plus Rs. 100 for every additional one tonne or part thereof in addition to 10 tonnes."</p>
--	---

Assented to on 25-9-1965

THE COMPANIES (AMENDMENT) ACT, 1965
(Act No. 31 of 1965)

AN
ACT

further to amend the Companies Act, 1956

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Companies (Amendment) Act, 1965.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 1.*—In section 1 of the Companies Act, 1956 (1 of 1956), (hereinafter referred to as the principal Act), in sub-section (3), the following further proviso shall be inserted at the end namely:—

"Provided further that it shall apply to the State of Nagaland subject to such modifications, if any, as the Central Government may, by notification in the Official Gazette, specify."

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) in clause (8), after the word "deeds", the word "vouchers," shall be inserted;

(ii) in clause (30), after the words "manager or secretary", the words "or any person in accordance with whose directions or instructions the Board of directors or any one or more of the directors is or are accustomed to act," shall be inserted.

4. *Amendment of section 410E.*—In section 10E of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) The Board, with the previous approval of the Central Government, may, by order in writing, authorize the chairman or any of its other members or its principal officer (whether known as secretary or by any other name) to exercise and discharge, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions as it may think fit; and every order made or act done in the exercise of such powers or discharge of such functions shall be deemed to be the order, or act, as the case may be, of the Board.”

5. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (1),—

(i) in clause (b), the word “and” shall be omitted;
(ii) for clause (c), the following clauses shall be substituted, namely:—

“(c) in the case of a company in existence immediately before the commencement of the Companies (Amendment) Act, 1965, the objects of the company;

(d) in the case of a company formed after such commencement,—

(i) the main objects of the company to be pursued by the company on its incorporation and objects incidental or ancillary to the attainment of the main objects;

(ii) other objects of the company not included in sub-clause (i); and

(e) in the case of companies (other than trading corporations), with objects, not confined to one State, the States to whose territories the objects extend.”

6. *Amendment of section 21.*—To section 21 of the principal Act, the following proviso shall be added, namely:—

“Provided that no such approval shall be required where the only change in the name of a company is the addition thereto or, as the case may be, the deletion therefrom, of the word “private”, consequent on the conversion in accordance with the provisions of this Act of a public company into a private company or of a private company into a public company.”

7. *Amendment of section 43A.*—In section 43A of the principal Act, in sub-section (6), after clause (a), the following clause shall be inserted, namely:—

“(aa) to a private company in which shares are held by one or more bodies corporate incorporated outside India, which or each of which, if incorporated in India, would be a private company within the meaning of this Act, if the Central Government, on an application made to it in this behalf by that private company, by order so directs; or”.

8. *Insertion of new section 63A.*—After section 63 of the principal Act, under the sub-heading “Prospectus”, the following section shall be inserted, namely:—

“63A. *Personation for acquisition, etc., of shares.*—(1) Any person who—

(a) makes in a fictitious name an application to a company for acquiring, or subscribing for, any shares therein, or

(b) otherwise induces a company to allot, or register any transfer of, shares therein to him, or any other person in a fictitious name,

shall be punishable with imprisonment for a term which may extend to five years.

(2) The provisions of sub-section (1) shall be prominently reproduced in every prospectus issued by the company and in every form of application for shares which is issued by the company to any person.”

9. *Amendment of section 69.*—In section 69 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) All moneys received from applicants for shares shall be deposited and kept deposited in a Scheduled Bank—

(a) until the certificate to commence business is obtained under section 149, or

(b) where such certificate has already been obtained, until the entire amount payable on applications for shares in respect of the minimum subscription has been received by the company,

and where such amount has not been received by the company within the time on the expiry of which the moneys received from the applicants for shares are required to be repaid without interest under sub-section (5), all moneys received from applicants for shares shall be returned in accordance with the provisions of that sub-section.

In the event of any contravention of the provisions of this sub-section, every promoter, director or other person who is knowingly responsible for such contravention shall be punishable with fine which may extend to five thousand rupees.”

10. *Amendment of section 73.*—In section 73 of the principal Act, in sub-section (5), for the words “permission shall not be deemed to be refused”, the words “it shall not be deemed that permission has not been granted” shall be substituted.

11. *Amendment of section 75.*—In section 75 of the principal Act,—

(a) to clause (a) of sub-section (1), the following proviso shall be added, namely:—

“Provided that the company shall not show in such return any shares as having been allotted for cash if cash has not actually been received in respect of such allotment.”;

(b) in sub-section (3), for the words “is inadequate, he may extend that period as he thinks fit”, the following words shall be substituted, namely:—

“is or was inadequate, he may, on application made in that behalf by the company, whether before or after the expiry of the said period, extend that period as he thinks fit”;

(c) in sub-section (4), for the proviso, the following proviso shall be substituted, namely:—

“Provided that in case of contravention of the proviso to clause (a) of sub-section (1), every such officer, and every promoter of the company who is guilty of the contravention shall be punishable with fine which may extend to five thousand rupees.”

12. *Amendment of section 76.*—In section 76 of the principal Act,—

(a) in sub-section (1)—

(i) in clause (iii), the word “and” occurring at the end shall be omitted;

(ii) in clause (iv), the word “and” shall be inserted at the end; and

(iii) after clause (iv), the following clause shall be inserted, namely:—

“(v) a copy of the contract for the payment of the commission is delivered to the Registrar at the time of delivery of the prospectus or the statement in lieu of prospectus for registration.”;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) For the removal of doubts it is hereby declared that no commission shall be paid under clause (a) of sub-section (1) to any person on shares or debentures which are not offered to the public for subscription:

Provided that where a person has subscribed or agreed to subscribe under clause (a) of sub-section (1) for any shares in, or debentures of, the company and before the issue of prospectus or Statement in lieu thereof any other person or persons has or have subscribed for any or all of those shares or debentures and that fact together with the aggregate amount of commission payable under this section in respect of such subscription is disclosed in such prospectus or statement, then, the company may pay commission to the first mentioned person in respect of such subscription.”.

13. *Amendment of section 108.*—In section 108 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Every instrument of transfer of shares—

(a) shall be in the prescribed form and presented to the prescribed authority before it is signed by or on behalf of the transferor and the prescribed authority shall stamp or otherwise endorse thereon the date on which it is so presented, and

(b) shall be delivered to the company,—

(i) in the case of shares dealt in or quoted on a recognised stock exchange at any time before the date on which the register of members is closed in accordance with law for the first time after the date of such presentation,

(ii) in any other case, within two months from the date of such presentation.

(1B) An instrument of transfer which is not in conformity with the provisions of sub-section (1A) shall not be accepted by a company—

(a) in the case of shares dealt in or quoted on a recognised stock exchange, after the expiry of six months of the commencement of the Companies (Amendment) Act, 1965, or after the date on which the register of members is closed in accordance with law for the first time after such commencement, whichever is later;

(b) in any other case after the expiry of six months of such commencement.

(1C) The provisions of sub-section (1A) shall not apply to any shares deposited by any person with—

(a) the State Bank of India;

(b) any scheduled bank; or

(c) such banking company (other than a scheduled bank) or financial institution as may be

approved by the Central Government by notification in the Official Gazette,

by way of security for the repayment of any loan advanced to, or for the performance of any obligation undertaken by, such person.

(1D) Notwithstanding anything in sub-section (1A) or sub-section (1B), where in the opinion of the Central Government it is necessary so to do to avoid hardship in any case, that Government may on an application made to it in that behalf, extend the periods mentioned in those sub-sections by such further time as it may deem fit; and the number of extensions granted hereunder and the period of each such extension shall be shown in the annual report laid before the Houses of Parliament under section 638.”.

14. *Amendment of section 111.*—In section 111 of the principal Act, except in sub-section (4A), for the words “the Central Government” or the words “that Government”, wherever they occur, the words “the Tribunal” shall, in respect of any appeal made after the commencement of this Act, be substituted.

15. *Amendment of section 149.*—In section 149 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2A) Without prejudice to the provisions of sub-section (1) and sub-section (2) a company having a share capital, whether or not it has issued a prospectus inviting the public to subscribe for its shares, shall not at any time commence any business—

(a) if such company is a company in existence immediately before the commencement of the Companies (Amendment) Act, 1965, in relation to any of the objects stated in its memorandum in pursuance of clause (c) of sub-section (1) of section 13;

(b) if such company is a company formed after such commencement, in relation to any of the objects stated in its memorandum in pursuance of sub-clause (ii) of clause (d) of sub-section (1) of the said section,

unless—

(i) the company has approved of the commencement of any such business by a special resolution passed in that behalf by it in general meeting; and

(ii) there has been filed with the Registrar a duly verified declaration by one of the directors or the secretary, in the prescribed form, that clause (i) or as the case may be, sub-section (2B) has been complied with;

and if the company commences any such business in contravention of this sub-section, every person who is responsible for the contravention shall, without prejudice to any other liability, be punishable with fine which may extend to five hundred rupees for every day during which the contravention continues.

Explanation.—A company shall be deemed to commence any business within the meaning of clause (a) if and only if it commences any new business which is not germane to the business which it is carrying on at the commencement of the Companies (Amendment) Act, 1965 in relation to any of the objects referred to in the said clause.

(2B) Notwithstanding anything contained in sub-section (2A) where no such special resolution as is referred to in that sub-section is passed but the votes cast (whether on a show of hands or, as the case may be, on a poll)

in favour of the proposal to commence any business contained in the resolution moved in that general meeting (including the casting vote, if any, of the chairman) by members who, being entitled so to do, vote in person or where proxies are allowed, by proxy, exceed the votes, if any, cast against the proposal by members so entitled and voting, the Central Government may on an application made to it by the Board of directors in this behalf allow the company to commence such business as if the proposal had been passed by a special resolution by the company in general meeting."

16. *Amendment of section 153B.*—In section 153B of the principal Act, in sub-section (4),—

(i) in clause (b), for the words "where the trust money invested in shares in, or debentures of, a company", the words "where the value of the shares in, or debentures of, a company, held in trust" shall be substituted;

(ii) the following *Explanation* shall be inserted at the end namely:—

Explanation.—The expression "the value of the shares in, or debentures of, a company" in clause (b) means,—

(i) in the case of shares or debentures acquired by way of allotment or transfer for consideration, the cost of acquisition thereof, and

(ii) in any other case, the paid-up value of the shares or debentures."

17. *Amendment of section 163.*—In section 163 of the principal Act, in sub-section (1), in the proviso, in clause (i), the word "and" shall be inserted at the end and clause (ii) shall be omitted.

18. *Amendment of section 174.*—In section 174 of the principal Act, in sub-section (1), for the words "public company, and two members personally present in the case of a private company", the words, brackets, figures and letter "public company (other than a public company, which has become such by virtue of section 43A), and two members personally present in the case of any other company," shall be substituted.

19. *Amendment of section 203.*—In section 203 of the principal Act, in sub-section (6), the words, brackets and figures, "and for the purposes of the said sub-clause (ii), the expression "officer" shall include any person in accordance with whose directions or instructions the Board or directors of the company has been accustomed to act" shall be omitted.

20. *Amendment of section 209.*—In section 209 of the principal Act,—

(a) in sub-section (1)—

(i) in clause (b), the word "and" occurring at the end, shall be omitted;

(ii) in clause (c), the word "and" shall be inserted at the end;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(d) in the case of a company pertaining to any class of companies engaged in production, processing, manufacturing or mining activities, such particulars relating to utilisation of material or labour or to other items of cost as may be prescribed, if such class of companies is required by the Central Government to include such particulars in the books of account;"

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) (a) The books of account and other books and papers shall be open to inspection by any director during business hours.

(b) The books of account and other books and papers shall be open to inspection during business hours—

(i) by the Registrar,

(ii) by any officer of Government authorised by the Central Government in this behalf;

Provided that such inspection may be made without giving any previous notice to the company or any officer thereof.

(c) The Registrar or such officer may during the course of inspection—

(i) make or cause to be made copies of the books of account and other books and papers,

(ii) place or cause to be placed any marks of identification thereon in token of the inspection having been made.

(d) In order to enable the Registrar or such officer to make an inspection of the books of account and other books and papers of the company, it shall be the duty of the company—

(i) to produce to the Registrar or such officer such books of account and other books and papers of the company as the Registrar or such officer may require,

(ii) otherwise to give to the Registrar or such officer all assistance in connection with the inspection which the company is reasonably able to give."

(c) In sub-section (4A), after the words "preceding the current year", wherever they occur, the words "together with the vouchers relevant to any entry in such books of account" shall be inserted;

(d) in sub-section (6),—

(i) in clause (a), the following shall be inserted at the end, namely:—

"and all officers and other employees and agents [as defined in sub-section (6) of section 240 but excluding bankers, auditors and legal advisers] of such managing agent or secretaries and treasurers";

(ii) in clause (c), the word "and" occurring at the end shall be omitted;

(iii) in clause (d), the word "and" shall be inserted at the end;

(iv) after clause (d), the following clause shall be inserted, namely:—

"(e) whether or not a company has a managing agent or secretaries and treasurers, every officer and other employee and agent (defined as aforesaid) of the company."

21. *Amendment of section 227.*—In section 227 of the principal Act,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Without prejudice to the provisions of sub-section (1), the auditor shall inquire—

(a) whether loans and advances made by the company on the basis of security have been properly secured and whether the terms on which they have been made are not prejudicial to the interests of the company or its members;

(b) whether transactions of the company which are represented merely by book

entries are not prejudicial to the interests of the company;

- (c) where the company is not an investment company within the meaning of section 372 or a banking company, whether so much of the assets of the company as consist of shares, debentures and other securities have been sold at a price less than that at which they were purchased by the company;
- (d) whether loans and advances made by the company have been shown as deposits;
- (e) whether personal expenses have been charged to revenue account;
- (f) where it is stated in the books and papers of the company that any shares have been allotted for cash, whether cash has actually been received in respect of such allotment, and if no cash has actually been so received, whether the position as stated in the account books and the balance-sheet is correct, regular and not misleading.”;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) The Central Government may, by general or special order, direct that, in the case of such class or description of companies as may be specified in the order, the auditor's report shall also include a statement on such matters as may be specified therein:

Provided that before making any such order the Central Government may consult the Institute of Chartered Accountants of India constituted under the Chartered Accountants Act, 1949 (38 of 1949), in regard to the class or description of companies and other ancillary matters to be specified therein unless the Government decides that such consultation is not necessary or expedient in the circumstances of the case.”.

22. Amendment of section 228.—In section 228 of the principal Act in sub-section (4), for the words “may, by rules made in this behalf, exempt”, the words “may make rules providing for the exemption of” shall be substituted.

23. Insertion of new section 233B.—After section 223A of the principal Act, under the sub-heading “Audit”, the following section shall be inserted, namely:—

“233B. *Audit of cost accounts in certain cases.*—(1) Where in the opinion of the Central Government it is necessary so to do in relation to any company required under clause (d) of sub-section (1) of section 209 to include in its books of account the particulars referred to therein, the Central Government may, by order, direct that an audit of cost accounts of the company shall be conducted in such manner as may be specified in the order by an auditor who shall be either a cost accountant within the meaning of the Cost and Works Accountants Act, 1959 (23 of 1959), or any such chartered accountant within the meaning of the Chartered Accountants Act, 1949 (38 of 1949), or other person, as possesses the prescribed qualifications.

(2) An auditor under this section shall be appointed by the company in general meeting and the provisions of section 224 shall apply, as far as may be, in relation to such auditor as they

apply in relation to an auditor appointed under that section.

(3) An audit conducted by an auditor under this section shall be in addition to an audit conducted by an auditor appointed under section 224.

(4) An auditor shall have the same powers and duties in relation to an audit conducted by him under this section as an auditor of a company has under sub-section (1) of section 227 and such auditor shall make his report to the Company Law Board in such form and within such time as may be prescribed and shall also at the same time forward a copy of the report to the company.”.

24. Amendment of section 234A.—In section 234A of the principal Act,—

(a) in sub-section (1), after the words “make an application”, the words “to the Tribunal or” shall be inserted;

(b) in sub-section (2), for the word “Magistrate”, the words “Tribunal or Magistrate, as the case may be,” shall be substituted;

(c) in sub-section (3),—

(i) for the word “Magistrate”, the words “Tribunal or Magistrate, as the case may be,” shall be substituted;

(ii) in the proviso, after the words “extracts from them”, the words “or place identification marks on them or any part thereof” shall be inserted;

(d) in sub-section (4), after the word “search” and the word “searches”, the words “or seizure” and the words “or seizures” shall respectively be inserted.

25. Amendment of section 240.—In section 240 of the principal Act,—

(a) in clause (a) of sub-section (1), for the words “to produce to an inspector”, the words “to preserve and to produce to an inspector or any person, authorised by him in this behalf with the previous approval of the Central Government,” shall be substituted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) The inspector may, with the previous approval of the Central Government, require any body corporate [other than a body corporate referred to in sub-section (1)] to furnish such information to, or produce such books and papers before, him or any person authorised by him in this behalf as he may consider necessary if the furnishing of such information or the production of such books and papers is relevant or necessary for the purposes of his investigation.

(1B) The inspector may keep in his custody any books and papers produced under sub-section (1) or sub-section (1A) for six months and thereafter shall return the same to the company, body corporate, firm or individual by whom or on whose behalf the books and papers are produced:

Provided that the inspector may call for the books and papers if they are needed again:

Provided further that if certified copies of the books and papers produced under sub-section (1A) are furnished to the inspector, he shall return those books and papers to the body corporate concerned.”;

(c) for sub-sections (2), (3), (3A) and (4), the following sub-sections shall be substituted, namely:—

“(2) An inspector may examine on oath—

(a) any of the persons referred to in sub-section (1); and

(b) with the previous approval of the Central Government, any other person,

in relation to the affairs of the company, other body corporate, managing agent, secretaries and treasurers or associate, as the case may be; and may administer an oath accordingly and for that purpose may require any of those persons to appear before him personally.

(3) If any person fails without reasonable cause or refuses—

(a) to produce to an inspector or any person authorised by him in this behalf with the previous approval of the Central Government any book or paper which it is his duty under sub-section (1) or sub-section (1A) to produce; or

(b) to furnish any information which it is his duty under sub-section (1A) to furnish; or

(c) to appear before the inspector personally when required to do so under sub-section (2) or to answer any question which is put to him by the inspector in pursuance of that sub-section; or

(d) to sign the notes of any examination referred to in sub-section (5),

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both, and also with a further fine which may extend to two hundred rupees for every day after the first during which the failure or refusal continues.”;

(d) in sub-section (5), the word, brackets and figure “or (4)” shall be omitted.

26. *Amendment of section 240A.*—In section 240A of the principal Act,—

(a) in sub-section (1), after the words “make an application”, the words “to the Tribunal or” shall be inserted;

(b) in sub-section (2), for the word “Magistrate”, the words “Tribunal or Magistrate, as the case may be,” shall be substituted;

(c) in sub-section (3)—

(i) for the word “Magistrate”, the words “Tribunal or Magistrate, as the case may be,” shall be substituted;

(ii) the following proviso shall be inserted at the end, namely:—

“Provided that the inspector may, before returning such books and papers as aforesaid, place identification marks on them or any part thereof.”;

(d) in sub-section (4), after the word “search” and the word “searches”, the words “or seizure” and the words “or seizures” shall respectively be inserted.

27. *Amendment of section 241.*—In section 241 of the principal Act, in clause (a) of sub-section (2), after the words “any report”, the brackets and words “(other than an interim report)” shall be inserted.

28. *Insertion of new section 250A.*—After section 250 of the principal Act, the following section shall be inserted, namely:—

“250A. *Voluntary winding up of company, etc., not to stop investigation proceedings.*—An investigation may be initiated under section 235, 237, 239, 247,

248 or 249 notwithstanding that—

(a) an application has been made for an order under section 397 or section 398; or

(b) the company has passed a special resolution for voluntary winding up,

and no investigation so initiated shall be stopped or suspended by reason only of the fact that an application referred to in clause (a) has been made or a special resolution referred to in clause (b) has been passed.”.

29. *Amendment of section 252.*—In section 252 of the principal Act,—

(i) in sub-section (1), for the words “public company”, the words, brackets, figures and letter “public company (other than a public company which has become such by virtue of section 43A)” shall be substituted;

(ii) in sub-section (2), for the word “private”, the word “other” shall be substituted;

30. *Amendment of section 256.*—In section 256 of the principal Act,—

(i) in sub-section (4), in sub-clause (v) of clause (b), the words, brackets and figures “or sub-section (3) of section 230” shall be omitted;

(ii) sub-section (5) shall be omitted.

31. *Amendment of section 259.*—To section 259 of the principal Act, the following proviso shall be added, namely:—

“Provided that where such permissible maximum is twelve or less than twelve, no approval of the Central Government shall be required if the increase in the number of its directors does not make the total number of its directors more than twelve.”.

32. *Amendment of section 264.*—In section 264 of the principal Act,—

(i) in sub-section (1), for the words “other than a person”, the words “other than a director retiring by rotation or otherwise or a person” shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) A person other than—

(a) a director re-appointed after retirement by rotation or immediately on the expiry of his term of office, or

(b) an additional or alternate director, or a person filling a casual vacancy in the office of a director under section 262, appointed as a director or re-appointed as an additional or alternate director, immediately on the expiry of his term of office, or

(c) a person named as a director of the company under its articles as first registered,

shall not act as a director of the company unless he has within thirty days of his appointment signed and filed with the Registrar his consent in writing to act as such director.”.

33. *Amendment of section 265.*—In section 266 of the principal Act, sub-section (4) shall be omitted.

34. *Omission of section 271.*—Section 271 of the principal Act shall be omitted.

35. *Amendment of section 273.*—In section 273 of the principal Act, for the word and figures “to 272”, the word and figures “and 272” shall be substituted.

36. *Omission of section 280.*—Section 280 of the principal Act shall be omitted.

37. *Omission of section 281.*—Section 281 of the principal Act shall be omitted.

38. *Omission of section 282.*—Section 282 of the principal Act shall be omitted.

39. *Amendment of section 285.*—In section 285 of the principal Act, for the words beginning with “three calendar months” and ending with “and the date of the next meeting”, the words “three months and at least four such meetings shall be held in every year” shall be substituted.

40. *Insertion of new section 294A.*—After section 294 of the principal Act, the following section shall be inserted, namely:—

“294A. *Prohibition of payment of compensation to sole selling agents for loss of office in certain cases.* (1) A company shall not pay or be liable to pay to its sole selling agent any compensation for the loss of his office in the following cases:—

- (a) where the appointment of the sole selling agent ceases to be valid by virtue of sub-section (2A) of section 294;
 - (b) where the sole selling agent resigns his office in view of the reconstruction of the company or of its amalgamation with any other body corporate or bodies corporate and is appointed as the sole selling agent of the reconstructed company or of the body corporate resulting from the amalgamation;
 - (c) where the sole selling agent resigns his office, otherwise than on the reconstruction of the company of its amalgamation as aforesaid;
 - (d) where the sole selling agent has been guilty of fraud or breach of trust in relation to, or of gross negligence in, the conduct of his duty as the sole selling agent;
 - (e) where the sole selling agent has instigated, or has taken part directly or indirectly in bringing about, the termination of the sole selling agency.
- (2) The compensation which may be paid by a company to its sole selling agent for loss of office shall not exceed the remuneration which he would have earned if he had been in office for the unexpired residue of his term, or for three years, whichever is shorter, calculated on the basis of the average remuneration actually earned by him during a period of three years immediately preceding the date on which his office ceased or was terminated, or where he held his office for a lesser period than three years, during such period.”

41. *Amendment of section 303.*—In section 303 of the principal Act, in sub-section (2), the words “or in any of the particulars contained in the register” and the proviso shall be omitted.

42. *Amendment of section 309.*—In section 309 of the principal Act,—

- (i) in sub-section (1), the following shall be added at the end, namely:—

“and the remuneration payable to any such director determined as aforesaid shall be inclusive of the remuneration payable to such director for services rendered by him in any other capacity:

Provided that any remuneration for services rendered by any such director in any other capacity shall not be so included if—

- (a) the services rendered are of a professional nature, and

(b) in the opinion of the Central Government, the director possesses the requisite qualifications for the practice of the profession”;

- (ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) A director who is neither in the whole-time employment of the company nor a managing director may be paid remuneration—

either

- (a) by way of a monthly, quarterly or annual payment with the approval of the Central Government;

or

- (b) by way of commission if the company by special resolution authorises such payment:

Provided that the remuneration paid to such director, or where there is more than one such director, to all of them together, shall not exceed—

- (i) one per cent of the net profits of the company, if the company has a managing or whole-time director, a managing agent or secretaries and treasurers or a manager;
- (ii) three per cent of the net profits of the company, in any other case:

Provided further that the company in general meeting may, with the approval of the Central Government, authorise the payment of such remuneration at a rate exceeding one per cent or, as the case may be, three per cent of its net profits.”

43. *Amendment of section 310.*—To section 310 of the principal Act, the following proviso shall be added, namely:—

“Provided that the approval of the Central Government shall not be required where any such provision or any amendment thereof purports to increase, or has the effect of increasing, the amount of such remuneration only by way of a fee for each meeting of the Board or a committee thereof attended by any such director and the amount of such fee after such increase does not exceed two hundred and fifty rupees.”

44. *Amendment of section 314.*—In section 314 of the principal Act,—

- (a) in sub-section (1)—

(i) for the words “previous consent”, the word “consent” shall be substituted;

(ii) for the proviso, the following provisos shall be substituted, namely:—

“Provided that it shall be sufficient if the special resolution according the consent of the company is passed at the general meeting of the company held for the first time after the holding of such office or place of profit:—

Provided further that where a relative of a director or a firm in which such relative is a partner, is appointed to an office or place of profit under the company or a subsidiary thereof without the knowledge of the director, the consent of the company may be obtained either in the general meeting aforesaid or within three months from the date of the appointment, whichever is later.”;

- (b) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) If any office or place of profit is held in contravention of the provisions of sub-section (1), the director, partner, relative, firm, private company, managing agent,

secretaries and treasurers or the manager, concerned, shall be deemed to have vacated his or its office as such on and from the date next following the date of the general meeting of the company referred to in the first proviso, or, as the case may be, the date of the expiry of the period of three months referred to in the second proviso to that sub-section, and shall also be liable to refund to the company any remuneration received or the monetary equivalent of any perquisite or advantage enjoyed by him or it for the period immediately preceding the date aforesaid in respect of such office or place of profit.

45. *Amendment of section 318.*—In section 318 of the principal Act, in sub-section (3), in clause (c), the word and figures "section 280," shall be omitted.

46. *Amendment of section 370.*—In section 370 of the principal Act,—

(a) in sub-section (1)—

(i) the words "which is under the same management as the lending company" shall be omitted;

(ii) the following provisos shall be added at the end, namely:—

"Provided that no special resolution shall be necessary in the case of loans made to other bodies corporate not under the same management as the lending company where the aggregate of such loans does not exceed ten per cent of the aggregate of the subscribed capital of the lending company and its free reserves:

Provided further that the aggregate of the loans made to all bodies corporate shall not exceed without the prior approval of the Central Government—

(a) thirty per cent, of the aggregate of the subscribed capital of the lending company and its free reserves where all such other bodies corporate are not under the same management as the lending company;

(b) twenty per cent of the aggregate of the subscribed capital of the lending company and its free reserves where all such other bodies corporate are under the same management as the lending company.

Explanation.—If a special resolution has been passed by the lending company authorising the making of loans up to the limit of thirty per cent of the aggregate specified in clause (a), or, as the case may be, of twenty per cent of the aggregate specified in clause (b) of the second proviso, then, no further special resolution or resolutions shall be deemed to be necessary for the making of any loan or loans within such limit."

(b) in sub-section (1C), in clause (b), after the words "provided by the lending company", the words "in relation to any such body corporate" shall be inserted;

(c) in sub-section (1D), for the words "every such loan, guarantee or security", the words, brackets, figures and letter "every loan, guarantee or security referred to in sub-section (1C)" shall be substituted;

(d) in sub-section (2), in clause (a), for sub-clause (iii), the following sub-clauses shall be substituted, namely:—

"(iii) by a banking company, or an insurance

company, in the ordinary course of its business;

(iv) by a private company, unless it is a subsidiary of a public company;

(v) by a company established with the object of financing industrial enterprises;"

(e) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Where before the commencement of the Companies (Amendment) Act, 1965, any loan, guarantee or security has been made, given or provided by a company which could not have been made, given or provided under this section as amended by that Act, and such loan, guarantee or security is outstanding at such commencement, the company shall, within six months from such commencement, enforce the repayment of the loan made or, as the case may be, revoke the guarantee given or the security provided, notwithstanding any agreement to the contrary:

Provided that the aforesaid period of six months may be extended by the Central Government on an application made to it in that behalf by the company."

47. *Amendment of section 372.*—In section 372 of the principal Act, in sub-section (13), after the word, brackets and figure "sub-section (2)", the words, brackets and figure "and sub-section (5)" shall be inserted.

48. *Amendment of section 391.*—In section 391 of the principal Act, to sub-section (2), the following proviso shall be added, namely:—

"Provided that no order sanctioning any compromise or arrangement shall be made by the Court unless the Court is satisfied that the company or any other person by whom an application has been made under sub-section (1) has disclosed to the Court, by affidavit or otherwise, all material facts relating to the company, such as the latest financial position of the company, the latest auditor's report on the accounts of the company, the pendency of any investigation proceedings in relation to the company under sections 235 to 251, and the like."

49. *Amendment of section 394.*—In section 394 of the principal Act, to sub-section (1), the following provisos shall be added, namely:—

"Provided that no compromise or arrangement proposed for the purposes of, or in connection with, a scheme for the amalgamation of a company, which is being wound up, with any other company or companies, shall be sanctioned by the Court unless the Court has received a report from the Company Law Board or the Registrar that the affairs of the company have not been conducted in a manner prejudicial to the interests of its members or to public interest:

Provided further that no order for the dissolution of any transferor company under clause (iv) shall be made by the Court unless the Official Liquidator has, on scrutiny of the books and papers of the company, made a report to the Court that the affairs of the company have not been conducted in a manner prejudicial to the interests of its members or to public interest."

50. *Insertion of new section 394A.*—After section 394 of the principal Act, the following section shall be inserted, namely:—

"394A. Notice to be given to Central Government for applications under sections 391 and 394.—The Court shall give notice of every application made to it under section 391 or 394 to the Central Government, and shall take into consideration the representation, if any made to it by that Government before passing any order under any of these sections."

51. Amendment of section 395.—In section 395 of the principal Act,—

(a) in sub-section (3), for the words "the transferor company shall thereupon register the transferee company as the holder of those shares";, the following shall be substituted, namely:—

"the transferor company shall—

(a) thereupon register the transferee company as the holder of those shares, and

(b) within one month of the date of such registration, inform the dissenting shareholders of the fact of such registration and of the receipt of the amount or other consideration representing the price payable to them by the transferee company;"

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) (a) The following provisions shall apply in relation to every offer of a scheme or contract involving the transfer of shares or any class of shares in the transferor company to the transferee company, namely:—

(i) every such offer or every circular containing such offer or every recommendation to the members of the transferor company by its directors to accept such offer shall be accompanied by such information as may be prescribed;

(ii) every such offer shall contain a statement by or on behalf of the transferee company, disclosing the steps it has taken to ensure that necessary cash will be available;

(iii) every circular containing or commending acceptance of, such offer shall be presented to the Registrar for registration and no such circular shall be issued until it is so registered;

(iv) the Registrar may refuse to register any such circular which does not contain the information required to be given under sub-clause (i) or which sets out such information in a manner likely to give a false impression; and

(v) an appeal shall lie to the Court against an order of the Registrar refusing to register any such circular.

(b) Whoever issues a circular referred to in sub-clause (iii) of clause (a), which has not been registered, shall be punishable with fine which may extend to five hundred rupees."

52. Insertion of new section 396A.—In the principal Act, in Chapter V of Part VI, after section 396, the following section shall be inserted, namely:—

"396A. Preservation of books and papers of amalgamated company.—The books and papers of a company which has been amalgamated with, or whose shares have been acquired by, another company under this Chapter shall not be disposed of without the prior permission of the Central Government: and before granting such permission,

that Government may appoint a person to examine the books and papers or any of them for the purpose of ascertaining whether they contain any evidence of the commission of an offence in connection with the promotion or formation, or the management of the affairs, of the first-mentioned company or its amalgamation or the acquisition of its shares."

53. Amendment of Chapter VII of Part VI.—(1) In the Principal Act, in Chapter VII of Part VI,—

(a) in the heading, for the words "Advisory Commission", the words "Advisory Committee" shall be substituted;

(b) for sections 40, 411, 412, 413, 414 and 415, the following section shall be substituted, namely:—

"410. Appointment of Advisory Committee.—For the purpose of advising the Central Government and the Company Law Board on such matters arising out of the administration of this Act as may be referred to it by that Government or Board, the Central Government may constitute an Advisory Committee consisting of not more than five persons with suitable qualifications."

(2) All cases pending before the Advisory Commission immediately before the commencement of this Act shall stand transferred to the Central Government on such commencement and the Central Government may dispose of such cases in such manner as it deems fit.

54. Amendment of section 497.—In section 497 of the principal Act,—

(a) in sub-section (3), for the words "Registrar a copy of the account, and shall make a return to him", the words "Registrar and the Official Liquidator a copy each of the account and shall make a return to each of them" shall be substituted;

(b) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

"(5) The Registrar, on receiving the account and either the return mentioned in sub-section (3) or the return mentioned in sub-section (4), shall forthwith register them.

(6) The Official Liquidator, on receiving the account and either the return mentioned in sub-section (3) or the return mentioned in sub-section (4), shall, as soon as may be, make, and the liquidator and all officers, past or present, of the company shall give the Official Liquidator all reasonable facilities to make, a scrutiny of the books and papers of the company and if on such scrutiny the Official Liquidator makes a report to the Court that the affairs of the company have not been conducted in a manner prejudicial to the interests of its members or to public interest, then, from the date of the submission of the report to the Court the company shall be deemed to be dissolved.

(6A) If on such scrutiny the Official Liquidator makes a report to the Court that the affairs of the company have been conducted in a manner prejudicial as aforesaid, the Court shall by order direct the Official Liquidator to make a further investigation of the affairs of the company and for that purpose shall invest him with all such powers as the Court may deem fit.

(6B) On the receipt of the report of the Official Liquidator on such further investigation the Court may, either make an order that the

company shall stand dissolved with effect from the date to be specified by the Court therein or make such other order as the circumstances of the case brought out in the report permit."

55. Amendment of section 509.—In section 509 of the principal Act,—

(a) in sub-section (3), for the words "Registrar a copy of the account, and shall make a return to him", the words "Registrar and the Official Liquidator a copy each of the account and shall make a return to each of them", shall be substituted;

(b) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:—

"(5) The Registrar, on receiving the account and also, in respect of each such meeting, either the return mentioned in sub-section (3) or the return mentioned in sub-section (4), shall forthwith register them.

(6) The Official Liquidator, on receiving the account and either the return mentioned in sub-section (3) or the return mentioned in sub-section (4), shall, as soon as may be, make, and the liquidator and all officers, past or present, of the company shall give the Official Liquidator all reasonable facilities to make, a scrutiny of the books and papers of the company and if on such scrutiny the Official Liquidator makes a report to the Court that the affairs of the company have not been conducted in a manner prejudicial to the interests of its members or to public interest, then, from the date of the submission of the report to the Court the company shall be deemed to be dissolved.

(6A) If on such scrutiny the Official Liquidator makes a report to the Court that the affairs of the company have been conducted in a manner prejudicial as aforesaid, the Court shall by order direct the Official Liquidator to make further investigation of the affairs of the company and for that purpose shall invest him with all such powers as the Court may deem fit.

(6B) On the receipt of the report of the Official Liquidator on such further investigation the Court may either make an order that the company shall stand dissolved with effect from the date to be specified by the Court therein or make such other order as the circumstances of the case brought out in the report permit."

56. Insertion of new section 511A.—After section 511 of the principal Act, the following section shall be inserted, namely:—

"511A. *Application of section 454 to voluntary winding up.*—The provisions of section 454 shall, so far as may be, apply to every voluntary winding up as they apply to the winding up by the Court except that references to—

(a) the Court shall be omitted;

(b) the Official Liquidator or the provisional liquidator shall be construed as references to the liquidator; and

(c) the "relevant date" shall be construed as references to the date of commencement of the winding up."

57. Amendment of section 593.—In section 593 of the principal Act, in clause (c), the words "or the

particulars contained, the list of the directors and secretary" shall be omitted.

58. Substitution of new sections for section 635A.—For section 635A of the principal Act, the following sections shall be substituted, namely:—

"635A. *Protection of acts done in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of Government or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder, or in respect of the publication by or under the authority of the Government or such officer of any report, paper or proceedings.

635AA. *Non-disclosure of information in certain cases.*—Notwithstanding anything contained in any other law for the time being in force, the Registrar, any officer of Government or any other person shall not be compelled to disclose to any court, tribunal or other authority whence he got any information which—

(a) has led the Central Government to direct a special audit under section 233A to order an investigation under section 235, 237, 247, 248 or 249; or

(b) is or has been material or relevant in connection with such special auditor investigation."

59. Insertion of new section 638B.—After section 637A of the principal Act, under the sub-heading "*Grant of approval, e.c., subject to conditions and levy of fees on applications*", the following section shall be inserted, namely:—

"637B. *Condonation of delays in certain cases.*—Notwithstanding anything contained in this Act,—

(a) where any application required to be made to the Central Government under any provision of this Act in respect of any matter is not made within the time specified therein, that Government may, for reasons to be recorded in writing, condone the delay;

(b) where any document required to be filed with the Registrar under any provision of this Act is not filed within the time specified therein, the Central Government may, for reasons to be recorded in writing, condone the delay."

60. Insertion of new section 640B.—After section 640A of the principal Act, under the sub-heading "*Schedules, Forms and Rules*", the following section shall be inserted, namely:—

"640B. *Forms of, and procedure in relation to, certain applications.*—(1) Every application made to the Central Government under section 259, 268, 269, 310, 311, 326, 328, 329, 332, 343, 345, 346, 352, 408, or 409 shall be in such form as may be prescribed.

(2) (a) Before any application is made by a company to the Central Government under any of the sections aforesaid, there shall be issued by or on behalf of the company a general notice to the members thereof, indicating the nature of the application proposed to be made.

(b) Such notice shall be published at least once in a newspaper in the principal language of the district in which the registered office of the company is situate and circulating in that district, and at least once in English in an English newspaper circulating in that district.

- (d) Copies of the notices, together with a certificate by the company as to the due publication thereof, shall be attached to the application.
- (c) Nothing in clause (a), (b) or (c) shall apply to a private company which is not the managing agent of a public company."

61. *Amendment of Schedule IA.*—In Schedule IA of the principal Act, serials 23 to 49 (both inclusive) shall be omitted.

62. *Minor amendments.*—The amendments directed in the Schedule, being amendments relating to matters of minor detail or of a clarificatory or consequential nature, shall be made in the sections of the principal Act specified therein.

THE SCHEDULE

(See section 62)

MINOR AMENDMENTS IN THE COMPANIES ACT, 1956

Section 2.—In clause (49A), for "Tribunal constituted", substitute "Companies Tribunal constituted".

Section 10A.—In sub-section (1), for "constitute a Tribunal", substitute "constitute a Tribunal to be known as the Companies Tribunal".

Section 44.—In clause (b) of sub-section (1), for "fourteen", substitute "thirty".

Section 75.—For "one month", in all places, substitute "thirty days".

Section 95.—In sub-section (1), for "one month", substitute "thirty days".

Section 97.—In sub-section (1), for "fifteen", substitute "thirty".

Section 107.—In sub-section (5), for "fifteen", substitute "thirty".

Section 125.—For "twenty-one", in all places, substitute "thirty".

Section 127.—In sub-section (1), for "twenty-one", in all places, substitute "thirty".

Section 128.—For "twenty-one", substitute "thirty".

Section 137.—In sub-section (1), for "fifteen", substitute "thirty".

Section 138.—In section (1), for "twenty-one", substitute "thirty".

Section 146.—For "twenty-eight" and "twenty-eight", substitute respectively "thirtieth" and "thirty".

Section 156.—For "Court" and "fourteen", in all places, substitute respectively "Tribunal" and "thirty".

Section 157.—In sub-section (2), for "one month", in both places, substitute "thirty days".

Section 159.—In sub-section (1), for "forty-two", substitute "sixty".

Section 160.—In sub-section (1), for "forty-two", substitute "sixty".

Section 192.—In sub-section (1), for "fifteen", substitute "thirty".

Section 193.—For "fourteen", in all places, substitute "thirty".

Section 220.—In sub-section (1), for "at the same time as the copy of the annual return referred to in section 161", substitute "within thirty days from the date on which the balance-sheet and the profit and loss account were so laid".

Section 303.—In sub-section (2), for "twenty-eight", in all places, substitute "thirty".

Section 394.—In sub-section (3), for "fourteen", substitute "thirty".

Section 404.—In sub-section (3), for "fifteen", substitute "thirty".

Section 445.—In sub-section (1) and in sub-section (1A), for "one month", substitute "thirty days".

Section 481.—In sub-section (2), for "fourteen" substitute "thirty".

Section 509.—In sub-section (6), for "twenty-one", substitute "thirty".

Section 416.—In sub-section (1), for "twenty-one", substitute "thirty".

Section 559.—In sub-section (2), for "twenty-one", substitute "thirty".

Section 592.—In sub-section (1), for "one month", substitute "thirty days".

Assented to on 25-9-1965

THE EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) ACT, 1965 (Act No. 22 of 1965)

AN
ACT

furth^r to amend the *Employees' Provident Funds Act, 1952.*

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the *Employees' Provident Funds (Amendment) Act, 1965.*

(2) It shall be deemed to have come into force on the 24th day of November, 1964.

2. *Amendment of section 2.*—In section 2 of the *Employees' Provident Funds Act, 1952* (19 of 1952), in sub-clause (i) of clause (a), after the words "a controlled industry.", the words "or in relation to an establishment having departments or branches in more than one State," shall be inserted.

Assented to on 29-9-1965

THE LIFE INSURANCE CORPORATION (AMENDMENT) ACT, 1965 (Act No. 33 of 1965)

AN
ACT

furth^r to amend the *Life Insurance Corporation Act, 1956.*

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the *Life Insurance Corporation (Amendment) Act, 1965.*

2. *Amendment of section 26.*—In the *Life Insurance Corporation Act, 1956* (31 of 1956) (hereinafter referred to as the principal Act), in section 26, for the words "business of the Corporation, including a valuation of the liabilities of the section 26 Corporation", in words "life insurance business of the Corporation, including a valuation of the liabilities of the Corporation in respect thereto" shall be substituted.

3. *Substitution of new section for section 28.*—For section 28 of the principal Act, the following section shall be substituted and shall be deemed always to have been so substituted, namely:—

"28. *Surplus from the insurance business how to be utilized.*—If as a result of any investigation undertaken by the Corporation under section 26 any surplus emerges, ninety-five per cent. of such surplus or such higher percentage thereof as the Central Government may approve shall be allocated to or reserved for the life insurance policyholders of the Corporation and after meeting the liabilities of the Corporation, if any, which may arise under section 9, the remainder shall be paid

to the Central Government or, if that Government so directs, be utilized for such purposes and in such manner as that Government may determine.”

4. *Insertion of new section 28A.*—After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. *Profits from any business (other than life insurance business) how to be utilized.*—If for any financial year profits accrue from any business (other than life insurance business) carried on by the Corporation, then, after making provision for reserves and other matters for which provision is necessary or expedient, the balance of such profits shall be paid to the Central Government.”

Assented to on 29-9-1965

THE INSURANCE (AMENDMENT) ACT, 1965 (Act No. 32 of 1965)

AN
ACT

furth^r to amend the Insurance Act, 1938.

Be it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Insurance (Amendment) Act, 1965.

2. *Amendment of section 3.*—In section 3 of the Insurance Act, 1938 (4 of 1938) (hereinafter referred to as the principal Act),—

(i) after sub-section (2), the following sub-sections shall be inserted, namely:—

“2A. If, on receipt of an application for registration and after making such inquiry as he deems fit, the Controller is satisfied that—

(a) the financial condition and the general character of management of the applicant are sound;

(b) the volume of business likely to be available to, and the capital structure and earning prospects of, the applicant will be adequate;

(c) the interests of the general public will be served if the certificate of registration is granted to the applicant in respect of the class or classes of insurance business specified in the application; and

(d) the applicant has complied with the provisions of sections 2C, 5, 31A and 32 and has fulfilled all the requirements of this section applicable to him, the Controller may register the applicant as an insurer and grant him a certificate of registration.

(2B) Where the Controller refuses registration, he shall record the reasons for such decision and shall furnish a copy thereof to the applicant.

(2C) Any person aggrieved by the decision of the Controller refusing registration may, within thirty days from the date on which a copy of the decision is received by him, appeal to the Central Government.

(2D) The decision of the Central Government on such appeal shall be final and shall not be questioned before any court.”;

(ii) in sub-section (3), for the words “In the case of any insurer having his principal place of business or domicile outside India”, the following shall be substituted, namely:—

“Notwithstanding any thing contained in sub-section (2A), in the case of any insurer having his principal place of business or domicile outside India”;

(iii) sub-section (6) shall be omitted.

3. *Amendment of section 110.*—In section 110 of the principal Act, in clause (a) of sub-section (1), the words “refusing to register, or” shall be omitted.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं

तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य.

PART V

HIMACHAL PRADESH UNIVERSITY
SUMMER HILL, SIMLA-5

NOTICE

Simla-5, the 18th November, 1971

It is notified for the information of all concerned that scripts of the Annual Examination held by the Himachal Pradesh University in the year, 1971 will be disposed of on any date a fortnight after the publication of this notice. The University will have no legal liability towards any candidate in respect of the said scripts after the expiry of the period mentioned above.

Sd/-

REGISTRAR,

H. P. University, Simla-5.

In the Court of Shri Surendra Prakash, M.A.L.L.B., Senior Sub Judge, Mahasu district “Keston” Simla-1 (Exercising the power of the District Judge under the Indian Succession Act).

CASE NO. 8/2 OF 1971

Shri Partap Singh son of Gopal Singh, r/o village Kiari, P. O. Halog, Pargana Dhamer Dhami, Tehsil Kasumpti

Petitiquer.

Versus

General Public

Respondent.

Application under section 372 of the Indian Succession Act, 1925 for grant of Succession Certificate with respect to the sanction of life time arrears of pension payable to Smt. Prabhi Devi in respect of her deceased husband

Gopal Singh as per pension payment order No. 277 P.M.
To

The General Public.

Whereas the petitioner above named has applied for the grant of succession certificate to the Estate of Smt. Prabhi Devi resident of village Kiari P.O. Halog Dhami, Tehsil Kasumpti, District Mahasu, Himachal Pradesh and the said application has been fixed for hearing on the 8th December, 1971. Notice is hereby given to all concerned that if any other relative, friend, kinsman or well-wisher of the aforesaid deceased desires to oppose the application of the petitioner aforesaid, he should appear personally or through an authorised agent in this Court on the aforesaid date, and adduce any documentary and oral evidence in support of his claim to such grant of succession certificate or in support of his opposition to the application of the petitioner.

Given under my hand and the seal of the Court this 17th/22nd November, 1971.

SURRENDRA PRAKASH,
Senior Sub-Judge.

Seal

In the Court of Shri Surendra Prakash, M.A.LLB.,
Senior Sub-Judge, Mahasu and Kiunaur Districts
"Kellston" Simla-1 (Exercising the power of the
District Judge under the Indian Succession Act)

CASE NO. 9/2 OF 1971

Sr/Shri 1. Shiv Dayal Bhalaik, 2. Bakshi Ram Phalaik ss/o Ishari Nand Bhalaik (Died), 3. Kala Wati, 4. Ram Kali, 5. Puni Devi, 6. Vidya Devi daughters

of Ishari Nand Bhalaik, r/o village Behli, P. O. Bhutti, Thanedhar Sub Tehsil Kumarsain, District Mahasu.

Petitioners.

Versus

General Public

Respondent.

Application for obtaining Succession Certificate under section 372 of the Indian Succession Certificate to the estate of Smt. Subdi Devi wd/o Shri Ishari Nand deceased mother of the above named applicants.

To

The General Public.

Whereas the petitioners have applied for the grant of succession certificate to the estate of Smt. Subdi Devi resident of village Bahli, P. O. Bhutti, Sub Tehsil Kumarsain, District Mahasu, Himachal Pradesh and the said application has been fixed for hearing on the 8th December, 1971. Notice is hereby given to all concerned that if any other relative, friend, kinsman or well-wisher of the aforesaid deceased desires to oppose the application of the petitioner aforesaid, he should appear personally or through an authorised agent in this Court on the aforesaid date, and adduce any documentary and oral evidence in support of his claim to such grant of succession certificate or in support of his opposition to the application of the petitioner.

Given under my hand and the seal of the Court this 18th November, 1971.

SURRENDRA PRAKASH,
Senior Sub-Judge.

Seal